

City Hall  
80 Broad Street  
September 23, 2014  
5:00 p.m.

## **CITY COUNCIL**

### **A. Roll Call**

### **B. Invocation – Councilmember Mitchell**

### **C. Pledge of Allegiance**

### **D. Presentations and Recognitions**

1. Proclamation recognizing Mesothelioma Awareness Day
2. Presentation by ITN Charleston Trident

### **E. Public Hearings**

1. An ordinance providing for the issuance of \$5,000,000 Accommodations Tax Revenue Bonds of the City of Charleston, South Carolina, and other matters relating thereto. **(Second Reading) (AS AMENDED)**
2. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by creating the Entertainment District Overlay Zone (ED), adding regulations for the ED Overlay Zone to restrict the hours of operation for specific types of land uses and changing the Zone Map, which is part thereof, so those certain properties zoned General Business (GB), Urban Commercial (UC), Mixed Use (MU-2), Mixed Use Workforce Housing (MU-2/WH) or Light Industrial (LI) as shown on the map attached to this ordinance as Exhibit A and labeled "Proposed Overlay" be rezoned to the ED Overlay Zone. **(Second Reading) (The Planning Commission recommends denial.)**
3. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by adding to Article 9 thereof a new Part 6 providing for a temporary moratorium of thirty-six (36) months on the processing of development applications and issuing of permits for new businesses that intend to allow on-premise consumption of beer, wine or alcohol between the hours of midnight and 6 a.m. and located within the shaded area on the map entitled "Late Night Bar Moratorium Area," attached. **(Planning Commission recommended approval for a temporary moratorium of twelve (12) months.)**
4. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by adding to Sec. 54-228 a new provision to allow building heights of up to 85 feet in the Tech Corridor Overlay (TC) Zone and by amending Sec. 54-305 (b) to provide that heights of buildings on properties located in the Tech Corridor Overlay

(TC) Zone and the Old City Height District are governed by the provisions of Sec. 54-228 (d). **(Second Reading)**

5. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to add a definition of "Peninsula" to Section 54-120 and amend off-street parking requirements in Section 54-317 to extend parking requirements that currently only apply to the Peninsula below Mount Pleasant Street to all areas of the Peninsula.
6. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that property on Clements Ferry Road (Cainhoy) (63.41 acres) (TMS #275-00-00-007) (Council District 1), be rezoned from Conservation (C) classification to Rural Residential (RR-1) classification.
7. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1901 Savannah Hwy and 1838 and 1844 Pebble Rd (West Ashley) (1.91 acres) (TMS #350-05-00-072, 089 and 090) (Council District 11), be zoned General Business (GB) classification. **(Second Reading)**  
**(Planning Commission sent no recommendation; motion to approve failed.)**  
**(DEFERRED)**
8. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1852 Greenmore Drive (West Ashley) (0.33 acre) (TMS #351-03-00-053) (Council District 7), annexed into the City of Charleston August 19, 2014 (#2014-111), be zoned Single-Family Residential (SR-1) classification.
9. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1770 Southwick Drive (Johns Island) (0.40 acre) (TMS #279-00-00-022) (Council District 5), annexed into the City of Charleston August 19, 2014 (#2014-112), be zoned Single-Family Residential (SR-1) classification.
10. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 528 (A-C) Savannah Highway and 530 (A-D) Savannah Highway (West Ashley) (0.48 acre) (TMS #421-03-00-165 and 166) (Council District 11), be zoned Single-Family Residential and Savannah Highway Overlay Zone (SR-1 and SH) classifications. (First reading was on August 19, 2014) **(Second Reading)**

**F. Act on Public Hearing Matters**

**G. Approval of City Council Minutes:**

1. September 9, 2014

**H. Citizens Participation Period**

**I. Petitions and Communications:**

**J. Council Committee Reports:**

**1. Committee on Public Safety (Meeting was held Tuesday, September 16, 2014 at 3:30 p.m.)**

(Updates:

Police Department  
Fire Department  
Emergency Management

**2. Committee on Public Works and Utilities (Meeting was held Monday, September 22, 2014 at 4:45 p.m.)**

(Acceptance and Dedication of Rights-of-Way and Easements

Carolina Bay Phase 11C – acceptance and dedication of a portion of Gammon Street (50-foot right-of-way).

- a. Plat
- b. Title to Real Estate

**3. Committee on Traffic and Transportation (Meeting was held Tuesday, September 23, 2014 at 4:00 p.m.)**

- a. Application for Original Certificate of Public Convenience and Necessity Certificate for Taxi Cab/Limousine  
(Julius Baylock, DBA B&D Taxi (Taxi)
- b. Amend Chapter 19, Section 123 of the Code of the City of Charleston to extend the existing boundaries of the King Street bicycle rack parking program from Calhoun Street to Spring Street to the section of King Street from Spring Street to Market Street
- c. Amend the Code of the City of Charleston, Chapter 19, Section 139 to prohibit moped parking at bicycle racks consistent with State law

*Give first reading to the following bills and resolutions coming from Traffic and Transportation:*

An ordinance to amend Chapter 19, Section 123 of the Code of the City of Charleston to extend the existing boundaries of the King Street Bicycle Rack Parking Program from Calhoun Street to Spring Street, to the section of King Street from Spring Street to Market Street.

An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 19, Section 139 to prohibit moped parking at bicycle racks consistent with State Law.

**4. Committee on Ways and Means:**

(Bids and Purchases)

(Police Department: Approval to accept the 2014 Edward Byrne Memorial Grant from OJP in the amount of \$29,642 for Wearable Video Recorders. No City match is required.

(Office of Cultural Affairs: Approval to apply for a grant in the amount of \$2,500 from the SC Arts Commission for the 2014 MOJA Arts Festival Literary Corner and Dance Gala. A City match in the amount of \$2,500 will come from ticket sales. This grant was submitted August 14, 2014.

(Fire Department: Approval of a Memorandum of Understanding ("MOU") between the City of Charleston and the Charleston County Sheriff's Office to provide mutual assistance along with multi-agency marine public safety units to respond to homeland security fire protection related issues, patrol waterways, conduct search and rescue missions, and provide other assistance to local, State, and Federal agencies as needed. The MOU further provides that the Charleston Fire Department will participate in the Charleston Metro Marine Unit, hosted by the Charleston County Sheriff's Office, for administrative and training purposes. The MOU will remain in effect for one year from the date of ratification and will automatically renew thereafter unless one party decides not to renew it.

(Parks-Capital Projects: Approval of a construction contract with *AOS Specialty Contractors*, in the amount of \$4,193,007.57, for streetscape, two-way street conversion, and new signalization construction on Spring and Cannon Street corridors. The contract includes the base bid of \$3,918,609.92; additive bid #1, in the amount of \$218,397.65, for signalization; and additive bid #2, in the amount of \$56,000, for brick detail planters. Approval of the construction contract will institute a \$5,852,127.13 project budget, of which the \$4,193,007.57 construction contract will be funded. The funding source for this project is Gateway TIF {\$5,852,127.13}.

(Parks-Capital Projects: Approval of a professional services contract and fee amendment #8 with *Kenneth B. Simmons Associates*, in the amount of \$209,371.83, for construction administration services for the Spring & Cannon Streetscape, two-way street conversion, and new signalization project. Approval for the fee amendment will increase the existing contract with *Kenneth B. Simmons Associates* by \$209,371.83, from \$611,811 to \$821,182.83. The funding source for this project is Gateway TIF {\$5,852,127.13}.

(Public Service: Approval of IPR Southeast, LLC's proposal in the amount of \$600,000 to perform various storm drain cleaning & inspection services per their response to a RFQ for these services. Contract is for two years with option of two one-year extensions.

(Public Service: Approval of Southern Premier Contractors, Inc.'s proposal in the amount of \$600,000 to perform various storm drain cleaning & inspection services per their response to a RFQ for these services. Contract is for two years with option of two one-year extensions.

(Public Service: Approval of emergency storm drain repairs in the amount of \$301,844.35 at Dunnemann Avenue (between 10<sup>th</sup> & Wagener Avenue) by B&C Utilities, Inc. This was an emergency repair. Due to the presence of numerous sink holes in the road, the work was completed to avoid a potential safety hazard.  
(Condemnation Resolution for Cainhoy Public Safety Facility  
(Executive Session related to acquisition of easements

*Give first reading to the following bills and resolutions coming from Ways & Means:*

Condemnation Resolution for Cainhoy Fire Station

#### **K. Bills up for Second Reading**

1. *An ordinance authorizing the Mayor to execute on behalf of the City a First Amendment to the Contribution Agreement between the City, Horizon Project Foundation, Inc. and the Medical University of South Carolina Foundation so as to subject to the Contribution Agreement an additional parcel of property bearing Charleston County Tax Map No. 460-10-02-020 and to amend Exhibit B to the Contribution Agreement to reflect the additional parcel, to establish an appraised value for the parcel and thereby revising the charitable distributive support allocable to the parties under the Contribution Agreement.*
2. *An ordinance authorizing the Mayor to execute on behalf of the City an agreement with Charleston Tennis, LLC pertaining to the lease and management of City-owned facilities known as the Family Circle Stadium, satellite courts, racquet club and the grounds associated therewith, all as set forth in the Agreement attached to this ordinance as Exhibit A and incorporated therein by reference.*
3. *An ordinance to provide for the annexation of property known as 528 Savannah Highway (Units A-C) and 530 Savannah Highway (Units A-D) (0.48 acre) (TMS# 421-03-00-165 and 421-03-00-166), West Ashley, Charleston County, to the City of Charleston shown within the area annexed upon a map attached hereto and make it part of District 11.*
4. *An ordinance to provide for the annexation of properties on Pinefield Drive (19.36 acres) (TMS# 271-00-01-041; 271-00-01-046, 271-00-01-048 (a portion), 271-00-01-052, 271-00-01-053, 271-00-01-054, 271-00-01-055, 271-00-01-068, 271-00-01-069, 271-00-01-070, 271-00-01-071, 271-00-01-072 and 271-00-01-109), Cainhoy, Berkeley County, to the City of Charleston and includes all marshes, public waterways, and public rights-of-way, shown within the area annexed upon a map attached hereto and make it part of District 1. (DEFERRED)*
5. *An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that properties on Pinefield Drive (Cainhoy) (19.36 acres) (TMS #271-00-01-041, 046, a portion of 048, 052, 053, 054, 055, 068,*

069, 070, 071, 072 and 109) (Council District 1), be zoned Single-Family Residential (SR-6) classification. (DEFERRED)

6. *An ordinance to provide for the annexation of property known as 1901 Savannah Highway, 1838 & 1844 Pebble Road (1.91 acres) (TMS# 350-05-00-072; 350-05-00-089 and 350-05-00-090), West Ashley, Charleston County, to the City of Charleston and includes all marshes, public waterways, and public rights-of-way, shown within the area annexed upon a map attached hereto and make it part of District 11. (DEFERRED)*

**L. Bills up for First Reading**

1. *An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 51 Nassau Street & Meeting Street (East Side - Peninsula) (0.90 acre) (a portion of TMS# 459-09-01-012) (Council District 4), be rezoned from General Business and Diverse Residential (GB and DR-2F) classification to Mixed Used Workforce Housing (MU-2/WH) classification. (DEFERRED)*
2. *An ordinance to provide for the annexation of property known as property on SC Highway 41 aka 546 Riverbend Trail (70.37 acres) (TMS# 263-00-04-001), Cainhoy, Berkeley County, to the City of Charleston shown within the area annexed upon a map attached hereto and make it part of District 1. (DEFERRED)*

**M. Miscellaneous Business:**

1. The next regular meeting of City Council will be October 14, 2014 at 5:00 p.m. at City Hall, 80 Broad Street.



# City of Charleston

*Joseph P. Riley, Jr.*

*Mayor*

## PROCLAMATION

- WHEREAS; mesothelioma is an aggressive, asbestos-related cancer that affects the linings of the lung, abdomen, heart and other organs; and
- WHEREAS; the heavy use of asbestos in manufacturing, industry and construction has been recognized as the worst occupational health disaster in U.S. history; and
- WHEREAS; asbestos was used in the construction of virtually all office buildings, public schools, and homes built before 1975; and
- WHEREAS; a high percentage of all mesothelioma victims were exposed to asbestos on naval ships and in shipyards; and
- WHEREAS; this is now believed to include many of the firefighters, police officers, and rescue workers from Ground Zero on 9/11/01; and
- WHEREAS; even brief exposure to asbestos can result in mesothelioma 30 years later; and
- WHEREAS; because of occupational, Navy-service related, household, or even incidental exposures and the very long latency of the disease, tens of millions of Americans were exposed to asbestos and are now at risk for developing mesothelioma; and
- WHEREAS; for decades the need for research to develop effective treatments for mesothelioma was overlooked; and
- WHEREAS; the result of this neglect is that treatments available today generally have only limited effect and most patients die within only 12 to 15 months from diagnosis; and
- WHEREAS; in 1999, the Mesothelioma Applied Research Foundation was formed to eradicate the life-ending and vicious effects of mesothelioma, and early progress in developing effective treatments for the disease is now being made; and
- WHEREAS; the establishment of Mesothelioma Awareness Day would raise public awareness of the disease and of the need to develop effective treatments.

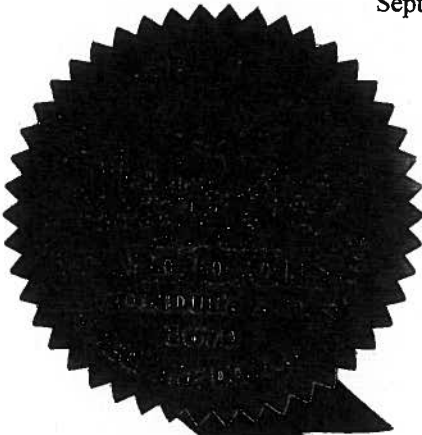
NOW, THEREFORE, I, Joseph P. Riley, Jr., Mayor of the City of Charleston, do hereby proclaim September 26, 2014 as:

## MESOTHELIOMA AWARENESS DAY

\_\_\_\_\_  
Joseph P. Riley, Jr., Mayor



*P.O. Box 652 Charleston, South Carolina 29402*  
*843-577-6970 Fax 843-720-3827*



## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of City of Charleston, South Carolina, at its meeting on the 23<sup>rd</sup> day of September, 2014, at 5:00 o'clock p.m., in the City Council Chambers, 80 Broad Street, Charleston, South Carolina, will conduct a public hearing for the purpose of receiving comments on adoption of an Ordinance titled "AN ORDINANCE PROVIDING FOR THE ISSUANCE OF \$5,000,000 ACCOMMODATIONS TAX REVENUE BONDS OF THE CITY OF CHARLESTON, SOUTH CAROLINA, AND OTHER MATTERS RELATING THERETO."

At the time and place fixed for said public hearing, all residents or other interested persons who appear will be given an opportunity to express their views for or against the adoption of the Ordinance.

Vanessa Turner-Maybank  
Clerk, City Council of the City of Charleston

In accordance with the Americans with Disabilities Act, people who need alternative formats, ASL (American Sign Language) Interpretation or other accommodation please contact Janet Schumacher at (843) 577-1389 or email to [schumacherj@charleston-sc.gov](mailto:schumacherj@charleston-sc.gov) three business days prior to the meeting.

Please insert as a Display Ad in the Post Courier on Sunday, September 7, 2014. Charge account PC103190. **Blanket PO# PR140059**

Please insert in the Chronicle as a Display Ad on Wednesday, September 10, 2014.  
**Please provide an affidavit of publication for all public hearings. PR Number PR145202**





Ratification  
Number \_\_\_\_\_

# AN ORDINANCE

PROVIDING FOR THE ISSUANCE OF \$5,000,000 ACCOMMODATIONS TAX REVENUE BONDS OF THE CITY OF CHARLESTON, SOUTH CAROLINA, AND OTHER MATTERS RELATING THERETO. (AS AMENDED)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLESTON, SOUTH CAROLINA, IN MEETING ASSEMBLED:

ARTICLE I

FINDINGS OF FACT

Section 1.01. Recitals and Statement of Purpose.

Incident to the adoption of this ordinance, and the issuance of the bonds provided for herein, the City Council of the City of Charleston, South Carolina ("Council"), the governing body of the City of Charleston, South Carolina (the "City") makes the following findings of fact:

1. Section 12-36-920(A) of the South Carolina Code of Laws of South Carolina imposes a 7% sales tax on accommodations (the "State Accommodations Tax"). Sections 6-4-5 to 6-4-30 of the South Carolina Code of Laws, titled "Allocation of Accommodations Tax Revenues," sets forth the purposes to which funds received by a municipality from the State Accommodations Tax are to be applied. Section 6-4-15 of the South Carolina Code of Laws, titled "Use of revenues to finance bonds," provides:

A municipality or county may issue bonds to finance all or a portion of the cost of constructing facilities for civic activities which fulfill the purpose of this chapter. The annual debt service of indebtedness incurred to finance the facilities...may be provided from the funds received by a municipality or county from the accommodations tax in an amount not to exceed the amounts received by the municipality or county after deduction of the accommodations tax funds dedicated to the general fund and the advertising and promotion fund.

2. Sections 6-1-500 to 6-1-570 of the South Carolina Code of Laws, titled "Local Accommodations Tax," permits, at Section 6-1-520, a municipality to impose a local accommodations tax, not to exceed 3%. Section 6-1-530, titled "Use of revenue from local accommodations tax," permits revenue generated by the local accommodations tax to be used for, among other things, tourism-related buildings.

3. The City adopted an ordinance on February 27, 1996 (the "Local Accommodations Tax Ordinance") imposing a 1% tax on the gross proceeds derived from the rental of accommodations (the "Local Accommodations Tax"). Section 7 of the ordinance provides that revenue bonds may be issued secured by a pledge of the Local Accommodations Tax. In addition, Section 6-1-760, Code of Laws of South Carolina, 1976, as amended, provides in part that "Any county or municipality is authorized to issue bonds pursuant to Article X, Section 14(10) of the Constitution of this State utilizing the procedures of Section 4-29-68...."

4. The City proposes to contribute to the costs of capital improvements at the Gibbes Museum of Art ("Gibbes") and the South Carolina Aquarium (the "Aquarium" and, together with the Gibbes, the "Project") being undertaken by their respective Boards. The building which constitutes the Gibbes is located at 135 Meeting Street and is co-owned by the City and the Carolina Art Association. The building which constitutes the Aquarium is located at 100 Aquarium Wharf and is owned by the City.

5. The buildings which comprise the Gibbes and the Aquarium are integral to the City's historic district and provide the venue for one of the many civic activities enjoyed by residents and tourists alike. Therefore, the Project is one for which the proceeds of the State Accommodations Tax and the Local Accommodations Tax may be expended and one for which bonds secured by such

sources of payment may be issued under Sections 6-4-15 and 6-1-760 of the South Carolina Code and Section 7 of the Local Accommodations Tax Ordinance (collectively, the "Enabling Act").

6. By ordinance adopted May 23, 2000, City Council made provision for the issuance of a \$8,800,000 Accommodations Tax Revenue Bond of 2000 (the "2000 Bond") secured in part by a pledge of State and Local Accommodations Tax revenues. The proceeds of the 2000 Bond were applied to defray capital costs of the Daniel Island Tennis Center.

7. By Ordinance adopted February 9, 2010, City Council made provision for the issuance of the \$2,100,000 Accommodations Tax Revenue Bond of 2010 dated February 10, 2010 (the "2010 Bond") secured in part by a pledge of State and Local Accommodations Tax revenues which is on a parity with the 2000 Bond. The proceeds of the 2010 Bond were applied to improvements at the City Market.

8. By Ordinance adopted November 23, 2010, City Council made provision for the issuance of the \$3,400,000 Accommodations Tax Revenue Bond of 2010A dated December 1, 2010 (the "2010A Bond") secured in part by a pledge of State and Local Accommodations Tax revenues which is on a parity with the 2000 Bond and the 2010 Bond. The proceeds of the Series 2010A Bond were also applied to capital costs associated with improvements at the City Market.

9. By Ordinance adopted November 6, 2013, City Council made provision for the issuance of not exceeding \$12,500,000 Accommodations Tax Revenue Bonds of 2010A. Pursuant to this authorization, the City issued a \$5,000,000 Accommodations Tax Revenue Bond of 2014 dated August 19, 2014 (the "2014 Bond and, together with the 2000 Bond, the 2010 Bond and the 2010A Bond, the "Outstanding Bonds") secured in part by a pledge of State and Local Accommodations Tax revenues which is on a parity with the Outstanding Bonds. The proceeds of the Series 2014 Bond were applied to construction of the International African American Museum.

10. Article III of each of the ordinances for the Outstanding Bonds permits additional debt to be issued on a parity with the Outstanding Bonds upon compliance with the following provisions:

A. There shall exist, on the occasion of the issuance of the Additional Parity Bonds, no default in the payment of the principal of or interest on the Outstanding Bonds or any bonds payable from the sources securing the Outstanding Bonds, and, if default in the payment of interest or principal of any bond then outstanding shall have taken place, that such default shall have been remedied at least six months prior thereto; and

B. The Revenues (as defined herein) for each of the two Fiscal Years immediately preceding the fiscal year in which Additional Parity Bonds are to be issued shall be not less than 150% of the highest combined principal and interest requirements in the then current and any future Fiscal Year for the Outstanding Bonds and any Additional Parity Bonds then proposed to be issued. "Fiscal Year" shall mean the period of twelve calendar months, beginning on January 1 of each year, and ending on December 31 of such year, unless the same shall have been changed by City Council.

## ARTICLE II

### ISSUANCE OF THE BONDS

#### Section 2.01. Issuance of the Bonds.

Pursuant to the Enabling Act and in order to provide the funds necessary to defray the cost of the Project, there shall be issued, in one or more series, \$5,000,000 Accommodations Tax Revenue Bonds of the City of Charleston, South Carolina (the "Bonds"), approximately 40% of the net proceeds of which will be contributed to the Gibbes and approximately 60% to the Aquarium. The Mayor of the City is hereby authorized and empowered to determine the dated date of the Bonds, which date shall not be later than December 31, 2015, the aggregate principal amount of the Bonds, the interest payment dates of the Bonds, the maturity dates of the Bonds, the principal amount of each maturity of the Bonds, the interest rates for the Bonds, the Bonds to be subject to mandatory and optional redemption and the redemption prices and the terms thereof and all other terms and conditions of the Bonds. The foregoing terms and conditions shall be set forth in a certificate of the Mayor and included with this Ordinance in the records of City Council.

#### Section 2.02. Form of Bonds.

The Bonds will be issued in the denomination to be determined by the Mayor with such necessary or appropriate variations, omissions and insertions as are otherwise permitted by law or by this Ordinance.

#### Section 2.03. Medium of Payment of the Bonds.

The principal of and interest on the Bonds shall be payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts. Semi-annual payments of principal and interest of the Bonds shall be payable by check or draft mailed to the Holder, return receipt requested, thereof by the City, provided, however, that the final installment of principal and interest on the Bonds shall be payable upon presentation and surrender of such Bonds to the City.

#### Section 2.04. Registration, Transfer & Exchange of the Bonds.

The Bonds shall at all times be registered as to principal and interest in the name of the Holder on the Books of Registry to be maintained in the office of the City and each transfer to be valid shall be made on the Books of Registry and similarly noted on the Bonds.

#### Section 2.05. Execution of the Bonds.

The Bonds shall be executed in the name of the City with the manual signature of the Mayor and attested by the manual signature of the Clerk of the City and the official seal of the City shall be impressed or printed thereon.

#### Section 2.06. Registrar & Transfer Agent of the Bonds; Book of Registrar.

(a) The Clerk of the City will be the registrar for the Bonds and transfer agent for the Bonds and will keep proper registry and transfer records, including a Book of Registry in which she shall register the name and address of the Holder of the Bonds as the same is presented for registration. Upon presentation of the Bonds for registration or transfer, the fact of such registration or transfer shall

be noted on the Bonds. No transfer of the Bonds shall be valid unless made at such office of the registrar and noted on such Bonds.

(b) No person shall be entitled to any right or benefit provided in the Bonds unless the name and address of such person is registered with the Clerk of the City and the fact thereof is endorsed by such Clerk upon the Bonds and upon the Book of Registry. The City may deem and treat such Registered Owner of the Bonds as the absolute owner of such Bonds for the purpose of receiving payment of the principal and interest thereof and for all other purposes whatever. No charge shall be made for registration.

(c) The Books of Registry shall show (i) the date of registration, (ii) the name and address of the person in whose name the Bonds are registered, and (iii) the signature of the Clerk. The latest chronological date of registration of such Bonds, as the same shall appear in the Books of Registry, shall be exclusive as to the name and address of the Holder for all purposes.

#### Section 2.07. Tax-Exempt Status of Bonds in South Carolina.

The Bonds and the interest thereon shall be exempt from all State, county, municipal, school district, and all other taxes or assessments of the State, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate or transfer taxes.

#### Section 2.08. Replacement of Missing or Damaged Bonds.

In case the Bonds shall become mutilated in respect of the body of such Bond or shall be believed by the City to have been destroyed, stolen or lost, upon proof of ownership, satisfactory to the City, and upon surrender of such mutilated Bond or upon receipt of evidence satisfactory to the City of such destruction, theft or loss, and upon receipt also of indemnity satisfactory to the City, and upon payment of all expenses incurred by the City for any investigation relating thereto, and all expenses incurred in connection with the issuance of any new Bond under this Section, the then Mayor and the then Clerk of the City shall execute and deliver a new Bond of the same maturity, and for the same aggregate principal amount, of like tenor and date, bearing the same number, with such notations as shall be deemed appropriate, in exchange and substitution for, and upon the cancellation of, the mutilated Bond, or in lieu of and in substitution of the Bond so lost, stolen or destroyed.

#### Section 2.09. Security for Payment of Bonds; Priority of Lien.

The Bonds shall be secured by a pledge of and a lien upon, revenues received by the City from the State Accommodations Tax after deduction of the payments required by Section 6-4-10 of the South Carolina Code of Laws and the Local Accommodations Tax (the "Revenues"). Such pledge and lien with respect to the Revenues shall be on a parity with the payments due on the Outstanding Bonds and any future obligations issued on a parity pursuant to Article III herein.

To secure payment of the Outstanding Bonds and the Bonds, the City shall annually make provisions for deduction of the State Accommodations Tax funds dedicated to the purposes provided at Section 6-4-10 and thereafter appropriate from the Revenues the sums representing yearly payment of the outstanding debt.

The Bonds shall be a special obligations of the City and shall be payable solely from the revenues to the extent herein provided. If Additional Parity Bonds shall at any time hereafter be issued as provided for at Article III herein, they shall be equally and ratably secured with that portion of security for the Bonds comprised of the Revenues.

Until expended, monies on account in the Project Fund (as defined at Section 2.12 herein) shall further secure payment of the Bonds.

Section 2.10. Discharge of Obligation.

Payments of principal and interest, whether by prepayment or otherwise, made in respect to the Bonds may be made to the Holder, without presentation or surrender of the Bonds (provided, however, that the final payment of principal and interest shall be made only upon presentation and surrender for the Bonds as provided at Section 2.03 herein) and all such payments shall fully discharge the obligation of the City in respect to the Bonds to the extent of the payments so made.

Section 2.11. Bonds Constitute Limited Obligation of the City.

The full faith, credit and taxing power of the City are not pledged for the payment of the principal of and interest on the Bonds and there shall be on the face of the Bonds a statement plainly worded to that effect and stating that the Bonds do not constitute an indebtedness of the City within any State constitutional provisions or statutory limitation. No recourse shall be had for the payment of the Bonds or interest thereon, or any part thereof, against the several funds of the City, except in the manner and to the extent provided in this Ordinance nor shall the credit or taxing power of the City be deemed to be pledged thereto.

Section 2.12. Custody and Application of Proceeds of the Bonds.

The entire proceeds derived from the sale of the Bonds shall be deposited to an account maintained on the records of the City (the "Project Fund") and will be allocated to the payment of costs in connection with the Project as described at Section 2.01 herein.

Section 2.13. Authorization for Preparing and Selling Bonds.

The Mayor, the Chief Financial Officer and the City Clerk of the City are hereby severally authorized and directed to execute and deliver the Bonds and any and all other documents and closing certificates and to do and to cause to be done any and all acts necessary and proper for carrying out the transactions contemplated by this Ordinance. Such officers are authorized to execute such documents, their execution thereof to be conclusive evidence of approval.

Section 2.14. Representations.

The City hereby represents and warrants to the Holder that:

1. The City is a municipal corporation organized and existing under the laws of the State of South Carolina;
2. The City is authorized by the laws of the State of South Carolina, including particularly Section 6-1-760 of the Code of Laws of South Carolina 1976, as amended, to enact the Local Accommodations Tax Ordinance and this Ordinance, to issue the Bonds, and to secure the Bonds in the manner contemplated by the Ordinance;
3. The City has full power and authority to consummate the transactions contemplated by this Ordinance and the Agreement;
4. The City has duly authorized all necessary action to be taken by it for: (i) the issuance and sale of the Bonds upon the terms set forth herein, (ii) the application of the proceeds of the Bonds for the purposes described herein; and (iii) the execution, delivery and receipt of the Bonds and any and

all such other agreements and documents as may be required to be executed, delivered, and received by the City in order to carry out, give effect to, and consummate the transactions contemplated hereby;

5. The Bonds, when issued, delivered and paid for as herein provided, will have been duly authorized, executed, issued and delivered and will constitute special obligations of the City entitled to the benefits and security of the Ordinance. The Bonds are payable by the City from security described in Section 2.09;

6. There is no action, suit, hearing, proceeding, inquiry or investigation at law or in equity or before or by any court, public board, agency or body pending or, to the best of the City's knowledge, threatened against or directly affecting the City (nor, to the knowledge of the City, any meritorious basis therefor) contesting the due organization and valid existence of the City or wherein an unfavorable decision, ruling or finding would, in any way, adversely affect (i) the transactions contemplated hereby or the validity or due enactment of the Local Accommodations Tax Ordinance or this Ordinance or the validity, due authorization and execution of the Bonds, the Agreement or any agreement or instrument to which the City is a party and which is used or contemplated for use in the consummation of the transactions contemplated hereby; (ii) the exemption of interest on the Bonds from taxation in South Carolina as described in Section 2.07 below, (iii) the organization, existence or powers of the City or the title of the Mayor or any of the members of the City Council or any officers of the City, or (iv) the business, properties or assets or the condition, financial or otherwise, of the City; and

7. The execution and delivery by the City of the Bonds and the enactment of this Ordinance and compliance with the provisions thereof do not and will not conflict with or constitute on the part of the City a breach of or a default under any existing law, court or administrative regulation, decree, order or any agreement, indenture, mortgage or lease by which it is or, on the date of issuance of the Bonds, will be bound, and this Ordinance constitutes a legally binding obligation of the City enforceable in accordance with its terms.

### ARTICLE III

#### ISSUANCE OF ADDITIONAL PARITY BONDS

##### Section 3.01. Right to Issue Additional Parity Bonds.

The City specifically reserves the right to issue additional parity bonds ("Additional Parity Bonds") in such amount as it from time to time shall deem necessary and which, if issued in accordance with the provisions hereof, shall be on a parity with the pledge of Revenues securing the Outstanding Bonds, the Bonds and any other bonds issued on a parity therewith.

The right of the City to issue Additional Parity Bonds shall depend solely upon its compliance with the provisions set forth at paragraph 10 of Article I herein.

### ARTICLE IV

#### EVENTS OF DEFAULT

##### Section 4.01. Events of Default.

Each of the following events is hereby declared an "Event of Default," that is to say, if:

1. Payment of the principal of or interest on the Bonds shall not be made when the same shall become due and payable; or

2. The City shall for any reason be rendered incapable of fulfilling its obligations hereunder not described in any other section of this Section 4.01 or shall fail to perform timely and properly, keep and preserve any term, provision, covenant, agreement or condition herein not described in any other section of this Section 4.01; or

3. An "event of default" occurs under this Ordinance or any other ordinance, document or agreement related to the Outstanding Bonds or any Additional Parity Bonds; or

4. The City files a bankruptcy petition or makes a general assignment for the benefit of its creditors; or

5. The City denies or claims in writing that it has no further liability or obligation under this Ordinance or the Bonds; or

6. The Local Accommodations Tax Ordinance, the State Accommodations Tax, the Ordinance or the Bonds is not enforceable.

## ARTICLE V

### REMEDIES

#### Section 5.01. Remedies.

Upon the happening and continuance of any Event of Default then the Holders of the Bonds may proceed, subject to the provisions of this Article, to protect and enforce its rights by a suit, action or special proceedings in equity, or at law, for the specific performance of any covenant or agreement contained herein or in aid or execution of any power herein granted, or for the enforcement of any proper legal or equitable remedy as may be deemed most effectual to protect and enforce the rights aforesaid, insofar as such may be authorized by law.

#### Section 5.02. Termination of Proceedings.

In case any proceeding shall have been discontinued or abandoned for any reason, or shall have been determined adversely to the Holders of the Bonds, then, and in every such case, the City and the Holders of the Bonds shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties shall continue as though no such proceedings had been taken.

#### Section 5.03. No Remedy Exclusive.

No remedy herein conferred is intended to be exclusive of any other remedy or remedies, and each and every such remedy shall be cumulative, and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity, or by statute.

#### Section 5.04. Default Not Impaired by Delay.

No delay or omission to exercise any right or power accruing upon any default occurring and continuing as aforesaid, shall impair any such default or be construed as an acquiescence therein; and every power and remedy given by this Article may be exercised from time to time and as often as may be deemed expedient.



## ARTICLE VI

### DEFEASANCE

#### Section 6.01. Release of Ordinance.

If the Bonds issued pursuant to this Bond Ordinance shall have been paid and discharged, then the obligations of the City under this Ordinance, the pledge of Revenues and revenues payable to the City pursuant to the Agreement made hereby, and all other rights granted thereby shall cease and determine.

## ARTICLE VII

### SALE OF BONDS

#### Section 7.01. Sale of Bonds by the City.

The Mayor is authorized to sell the Bonds on the terms and under the conditions set forth herein.

## ARTICLE VIII

### MISCELLANEOUS

#### Section 8.01. Execution of Documents.

The Mayor and Clerk are hereby authorized, empowered and directed to execute in the name of the City any and all other documents that may be required as a condition precedent to making the aforesaid loan to the City, and the City is hereby authorized and empowered to accept and receive the proceeds of such loan.

#### Section 8.02. Audit Required.

The City, not later than 270 days after the close of each Fiscal Year, shall furnish the Purchaser with a copy of its annual audit, conducted in accordance with generally accepted accounting and auditing practices.

#### Section 8.03. Filing with Central Depository.

Pursuant to Section 11-1-85. Code of Laws of South Carolina, 1976, as amended, the City shall file an independent audit with a central repository and to file with a central repository event specific information within thirty days of an event adversely affecting more than five percent of revenue or its tax base.

#### Section 8.04. Tenor of Obligation.

Every covenant, undertaking and agreement made on behalf of the City set forth in the Bonds and in this Ordinance is made, undertaken and agreed to for the proper securing of the payment of the principal of and interest on the Bonds. Each shall be deemed to partake of the obligation of the contract between the City and the Holder, and shall be enforceable accordingly.

Section 8.05. Benefits of Ordinance Limited to the City and Holder of the Bonds.

With the exception of rights or benefits herein expressly conferred, nothing expressed or mentioned in or to be implied from the Ordinance or the Bonds is intended or should be construed to confer upon or give to any person other than the City and the Holder of the Bonds, any legal or equitable right, remedy or claim under or by reason of or in respect to the Ordinance or any covenant, condition, stipulation, promise, agreement or provision herein contained. The ordinance and all of the covenants, conditions, stipulations, promises, agreements and provisions hereof are intended to be and shall be for and inure to the sole and exclusive benefit of the City and the Holder from time to time of the Bonds as herein and therein provided.

Section 8.06. Ordinance Binding Upon Successors or Assigns of the City.

All the terms, provisions, conditions, covenants, warranties and agreements contained in the Ordinance shall be binding upon the successors and assigns of the City and shall inure to the benefit of the Holder of the Bonds.

Section 8.07. Effect of Saturdays, Sundays and Legal Holidays.

Whenever the Ordinance requires any action to be taken on a Saturday, Sunday, legal holiday or bank holiday in the State of South Carolina, such action shall be taken on the first business day occurring thereafter. Whenever in the Ordinance the time within which any action is required to be taken or within which any right will lapse or expire shall terminate on a Saturday, Sunday, legal holiday or bank holiday, in the State of South Carolina, such time shall continue to run until midnight on the next succeeding business day.

Section 8.08. Law and Place of Enforcement of the Ordinance.

The Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina and all suits and actions arising out of the Ordinance shall be instituted in a court of competent jurisdiction in said State.

Section 8.09. Savings Provision.

If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such action, paragraph, clause or provision shall not affect any of the remaining provisions of the Ordinance.

Section 8.10. Required Publications and Public Hearing.

As required at Section 4-29-68, Code of Laws of South Carolina, 1976, a public hearing shall be held prior to adoption of this Ordinance. Notice of such public hearing shall be in the form set forth in Exhibit A.

Section 8.11. Effective Date.

This Ordinance shall be effective without the necessity of any publication upon the date on which it receives final reading.

DONE, RATIFIED AND ADOPTED THIS 23<sup>rd</sup> day of September, 2014.

CITY OF CHARLESTON, SOUTH CAROLINA

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Clerk

First Reading: September 9, 2014

Second Reading: September 23, 2014

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of City of Charleston, South Carolina, at its meeting on the 23<sup>rd</sup> day of September, 2014, at 5:00 o'clock p.m., in the City Council Chambers, 80 Broad Street, Charleston, South Carolina, will conduct a public hearing for the purpose of receiving comments on adoption of an Ordinance titled "AN ORDINANCE PROVIDING FOR THE ISSUANCE OF \$5,000,000 ACCOMMODATIONS TAX REVENUE BONDS OF THE CITY OF CHARLESTON, SOUTH CAROLINA, AND OTHER MATTERS RELATING THERETO."

At the time and place fixed for said public hearing, all residents or other interested persons who appear will be given an opportunity to express their views for or against the adoption of the Ordinance.

Vanessa Turner-Maybank  
Clerk, City Council of the City of Charleston

Date of Publication:

September 7, 2014

**STATE OF SOUTH CAROLINA**

**COUNTY OF CHARLESTON**

I, the undersigned, Clerk of the City Council of the City of Charleston, South Carolina ("City Council"), **DO HEREBY CERTIFY:**

That the foregoing constitutes a true, correct and verbatim copy of an Ordinance adopted by City Council. The Ordinance was read at two public meetings of City Council on two separate days. An interval of at least six days occurred between each reading. At each meeting, a quorum of City Council was present and remaining present throughout the meeting.

The Ordinance is now in full force and effect.

**IN WITNESS WHEREOF**, I have hereunto set my Hand this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Clerk, City Council of the City of Charleston, South  
Carolina

## PUBLIC HEARING

The public is hereby advised that the City Council of Charleston will hold a public hearing Tuesday, September 23, 2014, beginning at 5:00 p.m. at City Hall, 80 Broad Street, on the request that the Zoning Ordinance of the City of Charleston be changed in the following respects:

### **ORDINANCE AMENDMENTS**

1. Request approval to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by creating the Entertainment District Overlay Zone (ED), adding regulations for the ED Overlay Zone to restrict the hours of operation for specific types of land uses and changing the Zone Map, which is a part thereof, so those certain properties zoned General Business (GB), Urban Commercial (UC), Mixed Use (MU-2), Mixed Use Workforce Housing (MU-2/WH) or Light Industrial (LI) as shown on the map attached to this ordinance as Exhibit A and labeled "Proposed Overlay" be rezoned to the ED Overlay Zone. **(The Planning Commission recommends denial.)**
2. To amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by adding to Article 9 thereof a new Part 6 providing for a temporary moratorium of thirty-six (36) months on the processing of development applications and issuing of permits for new businesses that intend to allow on-premise consumption of beer, wine or alcohol between the hours of midnight and 6 a.m. and located within the shaded area on the attached map. **(Planning Commission recommended approval for a temporary moratorium of twelve (12) months.)**
3. To amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by adding to Sec. 54-228 a new provision to allow building heights of up to 85 feet in the Tech Corridor Overlay (TC) Zone and by amending Sec. 54-305 (b) to provide that heights of buildings on properties located in the Tech Corridor Overlay (TC) Zone and the Old City Height District are governed by the provisions of Sec. 54-228 (d).
4. To amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to add a definition of "peninsula" to section 54-120 and amend off-street parking requirements in section 54-317 to extend parking requirements that currently only apply to the peninsula below Mount Pleasant street to all areas of the peninsula.

### **REZONING**

1. To rezone property located on Clements Ferry Road (*Cainhoy*) (63.41 acres) (TMS# 275-00-00-007) from Conservation (C) classification to Rural Residential (RR-1) classification.

### **ZONINGS**

To zone the following properties annexed into the City of Charleston:

1. 1901 Savannah Highway & 1838 & 1844 Pebble Road (*West Ashley*) (1.91 acres) (TMS# 350-05-00-072, 089 & 090) General Business (GB). **(Planning Commission sent no recommendation. Motion to approve failed.)**
2. 1852 Greenmore Drive (*West Ashley*) (0.33 acre) (TMS# 351-03-00-053) Single Family Residential (SR-1).
3. 1770 Southwick Drive (*Johns Island*) (0.40 acre) (TMS# 279-00-00-022) Single Family Residential (SR-1).

4. 528 (A-C) & 530 (A-D) Savannah Highway (*West Ashley*) (0.48 acre) (TMS# 421-03-00-165 & 166)  
Single Family Residential (SR-1) and Savannah Highway Overlay (SH).

Interested parties are invited to attend the public hearing and express their views. Extended presentations should be submitted in writing.

VANESSA TURNER-MAYBANK  
Clerk of Council

In accordance with the Americans with Disabilities Act, people who need alternative formats, ASL (American Sign Language) Interpretation or other accommodation please contact Janet Schumacher at (843) 577-1389 or email to [schumacherj@charleston-sc.gov](mailto:schumacherj@charleston-sc.gov) three business days prior to the meeting.

Please insert as a Display Ad in the Post Courier on Sunday, September 7, 2014. Charge account PC103190. **Blanket PO# PR140059**

Please insert in the Chronicle as a Display Ad on Wednesday, September 10, 2014. **Please provide an affidavit of publication for all public hearings. PR Number PR145183**

# CITY OF CHARLESTON PLANNING COMMISSION

## MEETING OF AUGUST 20, 2014

A meeting of the City of Charleston Planning Commission will be held at **5:00 p.m., on Wednesday, August 20, 2014** in the Meeting Room, Third Floor at 75 Calhoun St (Charleston County School District Building). The following applications will be considered:

### ORDINANCE AMENDMENTS

1. Request approval to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by creating the Entertainment District Overlay Zone (ED), adding regulations for the ED Overlay Zone to restrict the hours of operation for specific types of land uses and changing the Zone Map, which is a part thereof, so those certain properties zoned General Business (GB), Urban Commercial (UC), Mixed Use (MU-2), Mixed Use Workforce Housing (MU-2/WH) or Light Industrial (LI) as shown on the map attached to this ordinance as Exhibit A and labeled "Proposed Overlay" be rezoned to the ED Overlay Zone. ***(The City intends to ask for deferral during the meeting)***

Contact: Tim Keane, Director - Planning, Preservation & Sustainability

2. Request approval to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by adding to Article 9 thereof a new Part 6 providing for a temporary moratorium of thirty-six (36) months on the processing of development applications and issuing of permits for new businesses that intend to allow on-premise consumption of beer, wine or alcohol between the hours of midnight and 6 a.m. and located within the shaded area on the attached map.

Contact: Tim Keane, Director - Planning, Preservation & Sustainability

3. Request approval to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by adding to Sec. 54-228 a new provision to allow building heights of up to 85 feet in the Tech Corridor Overlay (TC) Zone and by amending Sec. 54-305 (b) to provide that heights of buildings on properties located in the Tech Corridor Overlay (TC) Zone and the Old City Height District are governed by the provisions of Sec. 54-228 (d).

Contact: Christopher Morgan, Planning Division Director

4. Request approval to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to add a definition of "peninsula" to section 54-120 and amend off-street parking requirements in section 54-317 to extend parking requirements that currently only apply to the peninsula below Mount Pleasant street to all areas of the peninsula.

Contact: Christopher Morgan, Planning Division Director

### REZONING

1. **Clements Ferry Rd (Cainhoy) TMS# 2750000007** - 63.41 ac. Request rezoning from Conservation (C) to Rural Residential (RR-1).

Owner: Thornhill Family LLC et al.

Applicant: George B. Smythe



## **SUBDIVISION**

1. **Rivers Point Row (Rivers Point Townhomes - James Island) TMS# 4250700179** - 1.30 ac. Request subdivision concept plan approval. Zoned General Business (GB).  
Owner: Gramling Brothers  
Applicant: Thomas & Hutton Engineering Co.

## **ZONINGS**

1. **1901 Savannah Hwy & 1838 & 1844 Pebble Rd (West Ashley) TMS# 3500500072, 089 & 090** - 1.91 ac. Request zoning of General Business (GB). Zoned Community Commercial (CC) in Charleston County.  
Owner: Burky Exchange Accommodations
2. **1852 Greenmore Dr (West Ashley) TMS# 3510300053** - 0.33 ac. Request zoning of Single Family Residential (SR-1). Zoned Single-Family Residential (R-4) in Charleston County.  
Owner: Thomas & Gwendell Murray
3. **1770 Southwick Dr (Johns Island) TMS# 2790000022** - 0.40 ac. Request zoning of Single Family Residential (SR-1). Zoned Single-Family Residential (R-4) in Charleston County.  
Owner: Rebecca Olsen
4. **528 (A-C) & 530 (A-D) Savannah Hwy (West Ashley) TMS# 4210300165 & 166** - 0.48 ac. Request zoning of Single Family Residential (SR-1) and Savannah Highway Overlay (SH). Zoned Single-Family Residential (R-4) in Charleston County.  
Owner: Daniel Ravenel and Linda Ravenel
5. **546 Riverbend Trail & Hwy 41 (Cainhoy) TMS# 2630004001** - 70.37 ac. Request zoning of Planned Unit Development (PUD). Zoned Manufactured Residential (R-2) in Berkeley County.  
Owner: Past Time Amusement Company

## **REPORT OF THE TECHNICAL REVIEW COMMITTEE**

Over the past month, the following subdivision projects were submitted to the TRC for review and approval. The findings of the TRC shall be presented to the Planning Commission. Items approved by the TRC comply with all applicable regulations and standards of the City of Charleston.

## **PRELIMINARY & FINAL PLATS**

1. **Woodland Estates (James Island) TMS# 3431500021, 022, 023.** 6.69 ac. 26 lots. SR-2. Preliminary subdivision plat pending approval.
2. **Lee & America Streets (Peninsula) TMS# 4590504210.** 0.621 ac. 3 lots. DR-2F. Final subdivision plat under review.
3. **Maybank Village, Phase 1 (Johns Island) TMS# 3130000054, 056, 057, 248.** 59.22 ac. 62 lots. SR-6. Final subdivision plat under review.

4. **Fleming Road Cluster Development (James Island)** TMS# 3400300024, 015, 017. 14.06 ac. 49 lots. SR-1. Preliminary subdivision plat pending approval.
5. **Fenwick Hills, Phase 1 (Johns Island)** TMS# 2790000666. 23.82 ac. 54 lots. SR-1. Final subdivision plat pending approval.
6. **Whitney Lake, Phase 2A, Lots 239-244 (Johns Island)** TMS# 3120000329, 334. 0.94 ac. 6 lots. DR-6(ND). Final subdivision plat under review.
7. **1535 Savannah Highway (West Ashley)** TMS# 3490100027. 13.71 ac. 3 lots. GB. Preliminary subdivision plat pending approval.
8. **Preserve at Fenwick, Lots 54 & 55 (Johns Island)** TMS# 3460000258. 1.148 ac. 2 lots. PUD-Preserve at Fenwick. Final subdivision plat under review.
9. **Carolina Bay, Phase 11C (West Ashley)** TMS# 3070000004. 5.97 ac. 32 lots. PUD-Carolina Bay. Final subdivision plat under review.
10. **Stonoview Plantation, Phase 1 (Johns Island)** TMS# 3150000012, 047. 100.9 ac. 112 lots. PUD-Stonoview Plantation. Final subdivision plat under review.
11. **Freemans Point, Phase 1 (James Island)** TMS# 4270000065. 41.49 ac. 59 lots. PUD-Seaside Plantation. Final subdivision plat under review.

#### **ROAD CONSTRUCTION PLANS**

1. **Woodland Estates (James Island)** TMS# 3431500021, 022, 023. 6.69 ac. 26 lots. SR-2. Road construction plans pending approval.
2. **Fenwick Hills, Phase 2 (Johns Island)** TMS# 2790000017, 666. 21.44 ac. 57 lots. SR-1. Road construction plans under review.
3. **The Landing at Grand Oaks (West Ashley)** TMS# 3010000433. 19.4 ac. 59 lots. PUD-Bees Landing. Road construction plans approved.
4. **Magnolia Bluff (West Ashley)** TMS# 3580000010. 43.81 ac. 93 lots. DR-9. Road construction plans under review.
5. **Fleming Road Cluster Development (James Island)** TMS# 3400300024, 015, 017. 14.06 ac. 49 lots. SR-1. Road construction plans under review.
6. **Freemans Point, Phase 2 (James Island)** TMS# 4270000064, 065. 20.96 ac. 68 lots. PUD-Freemans Point. Road construction plans under review.

Individuals with questions concerning the above items should contact the Department of Planning, Preservation and Sustainability at (843) 724-3765. Files containing information pertinent to the above applications are available for public review at the City of Charleston Zoning Office, 75 Calhoun St, Charleston County School District Building), Third Floor, during regular working hours, 8:30 a.m. to 5:00 p.m., daily except Saturdays, Sundays, and holidays. Additional information on these cases may also be obtained by visiting [www.charleston-sc.gov/pc](http://www.charleston-sc.gov/pc).

In accordance with the Americans with Disabilities Act, people who need alternative formats, ASL (American Sign Language) Interpretation or other accommodation please contact Janet Schumacher at (843) 577-1389 or email to [schumacherj@charleston-sc.gov](mailto:schumacherj@charleston-sc.gov) three business days prior to the meeting.

# **CITY OF CHARLESTON PLANNING COMMISSION**

## **MEETING OF SEPTEMBER 17, 2014**

A meeting of the City of Charleston Planning Commission will be held at **5:00 p.m., on Wednesday, September 17, 2014** in the Meeting Room, Third Floor at 75 Calhoun St (Charleston County School District Building). The following applications will be considered:

### **REZONINGS**

- 1. 3140 Maybank Hwy (Johns Island) TMS# 3130000024** – 1.967 ac. Request rezoning from Commercial Transitional (CT) to Limited Business (LB).  
Owner: Fred Neuville  
Applicant: The Fat Hen - Fred Neuville
- 2. 1784-1795 Bevis Rd (West Ashley) TMS# 3530200066, 069 & 170-179** – 0.50 ac. Request rezoning from Limited Business (LB) to Diverse Residential (DR-2F).  
Owner: Designer Homes of North Charleston, Inc  
Applicant: Neighborhood Revitalization, LLC
- 3. River Rd (The Gardens at Riverview Farms - Johns Island) TMS# 3120000062 & 3120000169** – 25.37 ac. Request rezoning from Single-Family Residential (SR-1) and Rural Residential (RR-1) to Planned Unit Development (PUD).  
Owner: LMC, LLC & River View Farms  
Applicant: HLA, Inc

### **SUBDIVISIONS**

- 1. Harborview Road (Stiles Point – James Island) TMS# 4260000003, 4261600118** – 31.05 ac. Request subdivision concept plan approval. Zoned Single-Family Residential (SR-1).  
Owner: Mungo Homes  
Applicant: HLA, Inc.
- 2. 1566 River Road (Johns Island) TMS# 3120000082** – 22.06 ac. Request subdivision concept plan approval. Zoned Single-Family Residential (SR-1) (Neighborhood District).  
Owner: Sunbelt Ventures  
Applicant: Seamon, Whiteside & Associates, Inc.

### **ZONINGS**

- 1. 1714 Savage Rd (West Ashley) TMS# 3510700093** – 0.10 ac. Request zoning of Diverse Residential (DR-2F). Zoned Single-Family Residential (R-4) in Charleston County.  
Owner: Patricia Bennett

2. **1 Tovey Rd (West Ashley) TMS# 4181000010** – 0.15 ac. Request zoning of Single Family Residential (SR-2). Zoned Single-Family Residential (R-4) in Charleston County.  
Owner: Daniel Delany

### **ORDINANCE AMENDMENTS**

1. **Seaside Plantation Dr (Seaside Plantation PUD – James Island) TMS# 4270000064 & 065** – 41.50 ac. Request an amendment to the Planned Unit Development Master Plan and Development Guidelines for this property.  
Owner: Middle Street Partners, LLC  
Applicant: Sitecast, LLC – Chris Donato
2. Request approval to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) **by adding to Sec. 54-228 a new provision to allow building heights of up to 85 feet in the Tech Corridor Overlay (TC) Zone and by amending Sec. 54-305 (b) to provide that heights of buildings on properties located in the Tech Corridor Overlay (TC) Zone and the Old City Height District are governed by the provisions of Sec. 54-228 (d).**  
Contact: Christopher Morgan, Planning Division Director

### **STREET NAME CHANGE**

1. Request to correct duplicate road names by renaming portions of Main Road in West Ashley south of Savannah Highway to Old Ferry Road, McLeod Mill Road and Hoggard Lane.  
Contact: Kittie Whiddon – Dept. of Information Technology

### **REPORT OF THE TECHNICAL REVIEW COMMITTEE**

Over the past month, the following subdivision projects were submitted to the TRC for review and approval. The findings of the TRC shall be presented to the Planning Commission. Items approved by the TRC comply with all applicable regulations and standards of the City of Charleston.

### **PRELIMINARY & FINAL PLATS**

1. **Church Creek Landing, Phase 2 (West Ashley)** TMS# 3550700012. 3.02 ac. 14 lots. DR-12/PUD. Preliminary subdivision plat pending approval.
2. **Whitney Lake, Phase 2B (Johns Island)** TMS# 3120000334. 51 lots. DR-6(ND). Preliminary subdivision plat pending approval.
3. **22/24 Amherst Street (Peninsula)** TMS# 4590902167. 0.096 ac. 2 lots. DR-2F. Preliminary subdivision plat under review.
4. **Theresa Drive (James Island)** TMS# 4241000030, 058. 0.55 ac. 8 lots. STR. Preliminary subdivision plat under review.
5. **Trolley Barn (Peninsula)** TMS# 4631602060. 2 lots. GB. Preliminary subdivision plat pending approval.
6. **Jessy Elizabeth, Phase 2 (Johns Island)** TMS# 3120000159. 4.13 ac. 14 lots. SR-1. Preliminary subdivision plat pending approval.

7. **Parcel Q5, Phase 1 (Daniel Island)** TMS# 2750000155, 157. 1.4 ac. 3 lots. DI-TC. Preliminary subdivision plat pending approval.
8. **Cainhoy Village Road (Cainhoy)** TMS# 2690000054. 10.51 ac. 2 lots. CY. Preliminary plat pending approval.
9. **Stonoview Plantation, Phase 1 (Johns Island)** TMS# 3150000012, 047. 100.9 ac. 112 lots. PUD. Final subdivision plat under review.
10. **Freemans Point, Phase 1 (James Island)** TMS# 4270000065. 59 lots. PUD. Final subdivision plat under review.
11. **Woodfield Cooper River Farms (Cainhoy)** TMS# 2710001035. 74.0 ac. 2 lots. LB, LI, C. Final subdivision plat under review.
12. **Whitney Lake, Phase 2A (Johns Island)** TMS# 3120000329, 334. 0.94 ac. 6 lots. DR-6(ND). Final subdivision plat pending approval.
13. **Bolton's Landing, Phase 9B.1 (West Ashley)** TMS# 2860000003. 5.6 ac. 11 lots. SR-1(ND). Final subdivision plat pending approval.
14. **1535 Savannah Highway (West Ashley)** TMS# 3490100021. 13.71 ac. 3 lots. GB. Final subdivision plat pending approval.
15. **Grand Oaks, Phase 3 (West Ashley)** TMS# 3010000035. 36.35 ac. 2 lots. PUD. Final subdivision plat pending approval.

#### **ROAD CONSTRUCTION PLANS**

1. **Church Creek Landing, Phase 2 (West Ashley)** TMS# 3550700012. 3.02 ac. 14 lots. DR-12/PUD. Road construction plans pending approval.
2. **Whitney Lake, Phase 2B (Johns Island)** TMS# 3120000334. 51 lots. DR-6(ND). Road construction plans under review.
3. **Magnolia Bluff (West Ashley)** TMS# 3580000010. 43.81 ac. 93 lots. DR-9. Road construction plans pending approval.
4. **Freemans Point, Phase 2 (James Island)** TMS# 4270000064, 065. 20.96 ac. 60 lots. PUD. Road construction plans pending approval.
5. **Fleming Road Cluster Development (James Island)** TMS# 3400300024, 015, 017. 14.06 ac. 49 lots. SR-1. Road construction plans pending approval.
6. **Parcel EF, Phase 3 (Daniel Island)** TMS# 2750000249. 9.43 ac. 14 lots. DI-R. Road construction plans pending approval.
7. **Fenwick Hills, Phase 2 (Johns Island)** TMS# 2790000017, 666. 21.44 ac. 57 lots. SR-1. Road construction plans pending approval.
8. **Theresa Drive (James Island)** TMS# 4241000030, 058. 0.55 ac. 8 lots. STR. Road construction plans under review.
9. **Highway 61 (West Ashley)** Right-of-way. Road construction plans pending approval.
10. **Parcel E, Phase 2B (Daniel Island)** TMS# 2750000010. DI-R. Road construction plans pending approval.
11. **Parcel Q5, Phase 1 (Daniel Island)** TMS# 2750000155, 157. 1.4 ac. 3 lots. DI-TC. Road construction plans under review.

Individuals with questions concerning the above items should contact the Department of Planning, Preservation and Sustainability at (843) 724-3765. Files containing information pertinent to the above applications are available for public review at the City of Charleston Zoning Office, 75 Calhoun St, Charleston County School District Building, Third Floor, during regular working hours, 8:30 a.m. to 5:00 p.m., daily except Saturdays, Sundays, and holidays. Additional information on these cases may also be obtained by visiting [www.charleston-sc.gov/pc](http://www.charleston-sc.gov/pc).

In accordance with the Americans with Disabilities Act, people who need alternative formats, ASL (American Sign Language) Interpretation or other accommodation please contact Janet Schumacher at (843) 577-1389 or email to [schumacherj@charleston-sc.gov](mailto:schumacherj@charleston-sc.gov) three business days prior to the meeting.



Ratification  
Number \_\_\_\_\_

# AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY CREATING THE ENTERTAINMENT DISTRICT OVERLAY ZONE (ED), ADDING REGULATIONS FOR THE ED OVERLAY ZONE TO RESTRICT THE HOURS OF OPERATION FOR SPECIFIC TYPES OF LAND USES AND CHANGING THE ZONE MAP, WHICH IS PART THEREOF, SO THOSE CERTAIN PROPERTIES ZONED GENERAL BUSINESS (GB), URBAN COMMERCIAL (UC), MIXED USE (MU-2), MIXED USE WORKFORCE HOUSING (MU-2/WH) OR LIGHT INDUSTRIAL (LI) AS SHOWN ON THE MAP ATTACHED TO THIS ORDINANCE AS EXHIBIT A AND LABELED "PROPOSED OVERLAY" BE REZONED TO THE ED OVERLAY ZONE.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

**Section 1.** Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting in the first sentence of Section 54-102 (c) (1) immediately after "Light Industrial Late Night Overly" the text "Entertainment District Overlay Zone".

**Section 2.** Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting the following new subsection (k) at the end of Section 54-202 to read as follows:

**"k. Entertainment District, ED Overlay Zone.** The Entertainment District Overlay Zone is intended to restrict certain uses, as specified herein, from operating between the hours of midnight and 6 a.m."

**Section 3.** Section 54-204 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting the following new subsection:

**"d.** Within the ED Overlay Zone. In the Entertainment District overlay zone certain uses, as specified herein, are restricted from operating between the hours of midnight and 6 a.m."

Section 4. Article 2, Part 5: Permitted Uses For Overlay Zones of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting the following new section:

**“Sec. 54-230. Entertainment District ED Overlay Zone.**

In the Entertainment District, land, buildings or structures may be used for any purpose allowed by the underlying zoning district, except that within the Entertainment District overlay zone, the following principal uses are restricted from operating between the hours of midnight and 6 a.m.: 54. Food stores, 554. Gasoline service stations, 5812.1 Eating places without drive through or drive up service, 5812.2 Eating places with drive through or drive up service, 5813. Drinking places (alcoholic beverages), and any other businesses that sell alcoholic beverages for on- or off-premises consumption; provided however, the restrictions on hours of operation set out herein shall not apply to eating or drinking places housed within an accommodations establishment that has more than 20 living or sleeping units.

Section 5. The Zoning Ordinance of the City of Charleston be, and the same hereby is, amended by changing the zone map, which is a part thereof, so that the properties zoned General Business (GB), Urban Commercial (UC), Mixed Use (MU-2), Mixed Use Workforce Housing (MU-2WH) or Light Industrial (LI) as shown on the map attached to this Ordinance as Exhibit A and made a part hereof and labeled “Proposed Overlay” be included in the Entertainment District overlay zone.

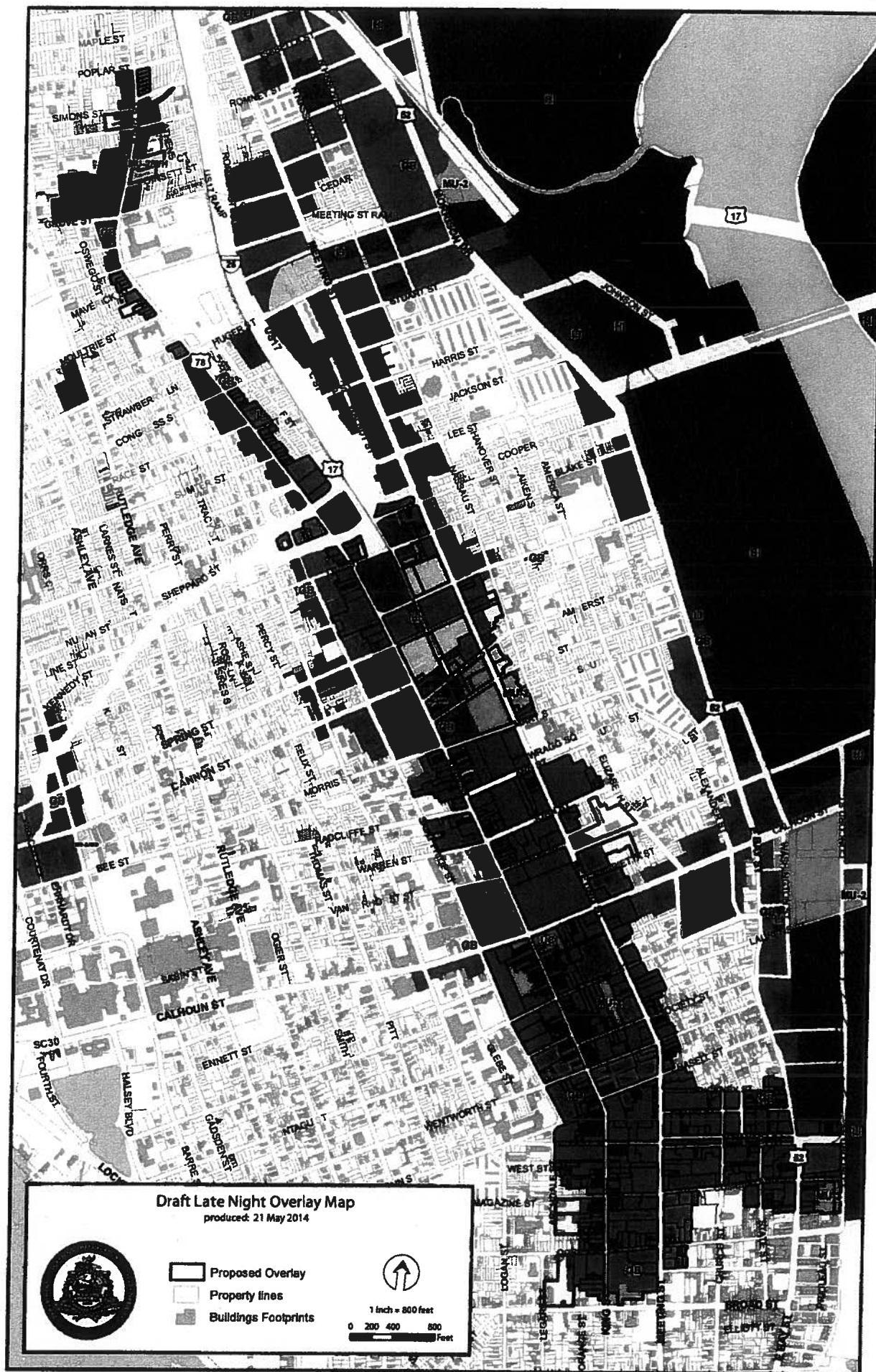
Section 6. This Ordinance shall become effective upon ratification.

Ratified in City Council this \_\_\_\_ day of \_\_\_\_\_ in the Year of Our Lord, 2014, and in the \_\_\_\_<sup>th</sup> Year of the Independence of the United States of America

\_\_\_\_\_  
Joseph P. Riley, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Vanessa Turner Maybank,  
Clerk of Council







**ORDINANCE SENT TO  
PLANNING COMMISSION**

Ratification  
Number \_\_\_\_\_

# AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY ADDING TO ARTICLE 9 THEREOF A NEW PART 6 PROVIDING FOR A TEMPORARY MORATORIUM OF THIRTY-SIX (36) MONTHS ON THE PROCESSING OF DEVELOPMENT APPLICATIONS AND ISSUING OF PERMITS FOR NEW BUSINESSES THAT INTEND TO ALLOW ON-PREMISE CONSUMPTION OF BEER, WINE OR ALCOHOL BETWEEN THE HOURS OF MIDNIGHT AND 6 A.M. AND LOCATED WITHIN THE SHADED AREA ON THE MAP ENTITLED "LATE NIGHT BAR MORATORIUM AREA," ATTACHED.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by adding to Article 9 thereof a new Part 6 providing for a temporary moratorium on the processing of development applications and issuing of permits for new businesses that intend to allow on-premise consumption of beer, wine or alcohol between the hours of midnight and 6 A.M. at locations within the shaded area on the map entitled "Late Night Bar Moratorium Area", attached, which Part 6 shall read as follows:

"Part 6: Temporary Moratorium

Sec. 54-970 Findings.

City Council makes the following findings of fact:

The commercial corridors of King, East Bay and Market Streets are, and have been, the primary centers of retail and commercial activity on the peninsula. City Council has worked diligently to assure the success of these corridors by commissioning and implementing studies and making significant investments in infrastructure improvements such as undergrounding utility lines, repaving rights-of-way, installing or restoring curbs and sidewalks, planting trees and installing drainage

facilities, all to make these corridors attractive places to visit, conduct business and recreate.

These efforts of Council have produced tremendously positive results. Today these corridors are vibrant, vacancy rates are low and more and more businesses seek to locate or relocate on or near these corridors. King Street is nationally acclaimed and is ranked as one of the top ten shopping districts in America. Charleston recently being voted the number one tourist destination in the world by Conde Nast underscores the attraction of the peninsula on a national and international level. A major draw of these peninsula corridors is the variety of experiences they offer. The varied antique shops, jewelry shops, apparel stores, restaurants, hotels, bars, parks, civic uses and the viable neighborhoods along or near these corridors are unique to Charleston, make them interesting places to be and are directly related to their success.

City Council is mindful that, to preserve this level of interest and success, it is vital that a balance of uses along the corridors be maintained, between residential and commercial, and among commercial uses themselves. It is critical that these primary commercial corridors of the peninsula remain desirable destinations for residents and visitors at all times of the business and weekend days and into the evening hours. A predominance of one type of use or business will discourage the diversity that has made these corridors successful. It is also critical that the types of businesses and manners in which they are operated be respectful to the nearby residential neighborhoods.

Over the past five years, the number of stand-alone establishments serving beer, wine or alcohol after midnight for on-premises consumption on the King, East Bay and Market corridors has greatly expanded. This expansion has improved the tax base and accommodated the creation of a vibrant night life. By the same token, this expansion has caused an increase in noise during and beyond hours of operation, an increase in litter and other debris along the sidewalks, an increase in the number of police officers required to maintain the peace, good order and quality of life for nearby residents, and significantly, threatens to dominate the identity of the corridors as simply places to party. The continued unbridled proliferation or concentration of this use along the King, East Bay and Market corridors will change the ambiance of these corridors, diminish their diversity and vibrancy and stifle their use during day time hours, results that are detrimental to the interests and welfare of the public and results which can be mitigated, if not avoided, with proper time for evaluation and study.

City Council deems it necessary and proper, in order to sustain the peace, good order and success of the peninsula as a desirable place to live, work and visit, and in furtherance of the powers of home rule devolved upon it by S. C. Code Ann. §5-7- 10 *et seq* and the land use, planning and zoning authority devolved upon it by S. C .Code Ann. § 6-29-310 *et seq* (South Carolina Local Government Comprehensive Planning Act) to enact a temporary moratorium for thirty-six (36) months on processing development applications and issuing permits for new stand-alone businesses that intend to allow on-premise consumption of beer, wine or alcohol after midnight at

locations within the shaded areas delineated on the map entitled "Late Night Bar Moratorium Area", attached.

Sec. 54-971. Temporary Moratorium.

A temporary moratorium of thirty-six (36) months is hereby imposed on the processing of development applications and issuing permits for new businesses that intend to allow on-premise consumption of beer, wine or alcohol between the hours of midnight and 6 A.M. at locations within the shaded areas delineated on the map entitled "Late Night Bar Moratorium Area", attached hereto and made a part hereof.

Sec. 54-972. Purpose, Study and Interim Reports.

The purpose of the temporary moratorium is to allow the Department of Planning, Preservation and Sustainability, in consultation with other City departments and business and community stakeholders, sufficient time to study the areas subject to the moratorium, to include existing uses, uses known to be coming on line, development and demographic trends and such other data and information as it deems appropriate to enable it to formulate for City Council consideration recommendations regarding the reasonable regulation of businesses allowing on-premise consumption of beer, wine and alcohol after midnight.

During the temporary moratorium, the Department of Planning, Preservation and Sustainability shall report to City Council every six months on the status of the study.

Sec. 54-972. Exemptions.

The temporary moratorium shall not apply to establishments in the study area that are permitted by law to allow on-premise consumption of beer, wine or alcohol between the hours of midnight and 6 A.M. that are open for business as of the date of ratification of this ordinance, to the expansion or modification of any such establishments if such extension or modification otherwise complies with the provisions of the zoning ordinance without the necessity of a variance or to any replacement establishment at the locations of such establishments. The temporary moratorium shall not apply to any location in the study area that, within three (3) years of the ratification of this ordinance, housed a duly and legally licensed business that allowed on-premise consumption of beer, wine or alcohol after midnight. The temporary moratorium shall not apply to establishments now or hereafter housed within a place of accommodations that has twenty or more rooms. The temporary moratorium shall not apply to development plans or permit applications for establishments intending to allow on-premise consumption of beer, wine or alcohol after midnight on file with the Department of Planning, Preservation and Sustainability that are vested under statutory or common law.

Sec. 54-973.                      Expiration.

The provisions of this Part 6 shall expire on \_\_\_\_\_, 2017.”

Section 2. This Ordinance shall become effective upon ratification.

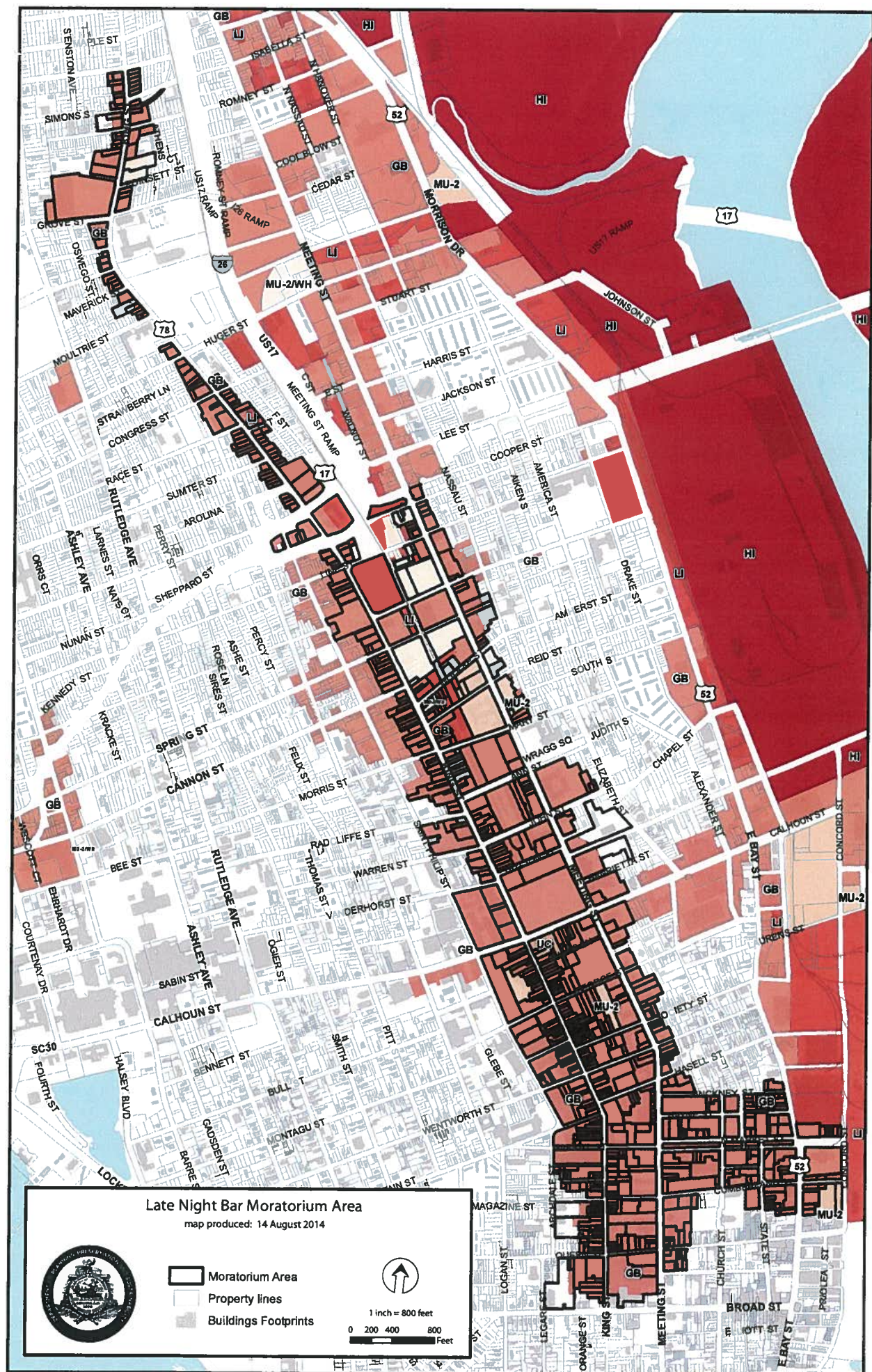
Ratified in City Council this \_\_\_\_\_ day of  
\_\_\_\_\_ in the Year of Our Lord, 2014,  
and in the \_\_\_\_\_<sup>th</sup> Year of the Independence of  
the United States of America

\_\_\_\_\_  
Joseph P. Riley, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Clerk of Council







## RECOMMENDATION OF PLANNING COMMISSION

Ratification  
Number \_\_\_\_\_

# A N O R D I N A N C E

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY ADDING TO ARTICLE 9 THEREOF A NEW PART 6 PROVIDING FOR A TEMPORARY MORATORIUM OF TWELVE (12) MONTHS ON THE PROCESSING OF DEVELOPMENT APPLICATIONS AND ISSUING OF PERMITS FOR NEW BUSINESSES THAT INTEND TO ALLOW ON-PREMISE CONSUMPTION OF BEER, WINE OR ALCOHOL BETWEEN THE HOURS OF MIDNIGHT AND 6 A.M. AND LOCATED WITHIN THE SHADED AREA ON THE MAP ENTITLED "LATE NIGHT BAR MORATORIUM AREA", ATTACHED.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by adding to Article 9 thereof a new Part 6 providing for a temporary moratorium on the processing of development applications and issuing of permits for new businesses that intend to allow on-premise consumption of beer, wine or alcohol between the hours of midnight and 6 a.m. that are located within the shaded area on the map entitled "Late Night Bar Moratorium Area", attached, which Part 6 shall read as follows:

"Part 6: Temporary Moratorium

Sec. 54-970 Findings.

City Council makes the following findings of fact:

The commercial corridors of King, East Bay and Market Streets are, and have been, the primary centers of retail and commercial activity on the peninsula. City Council has worked diligently to assure the success of these corridors by commissioning and implementing studies and making significant investments in infrastructure improvements such as undergrounding utility lines, repaving rights-of-way, installing or restoring curbs and sidewalks, planting trees and installing drainage facilities, all to make these corridors attractive places to visit, conduct business and recreate.



These efforts of Council have produced tremendously positive results. Today these corridors are vibrant, vacancy rates are low and more and more businesses seek to locate or relocate on or near these corridors. Charleston recently being voted the number one tourist destination in the world by Conde Nast underscores the attraction of the peninsula on a national and international level. A major draw of these peninsula corridors is the variety of experiences they offer. The varied antique shops, jewelry shops, apparel stores, restaurants, hotels, bars, parks, civic uses and the viable neighborhoods along or near these corridors are unique to Charleston, make them interesting places to be and are directly related to their success.

City Council is mindful that, to preserve this level of interest and success, it is vital that a balance of uses along the corridors be maintained, between residential and commercial, and among commercial uses themselves. It is critical that these primary commercial corridors of the peninsula remain desirable destinations for residents and visitors at all times of the business day and into the evening hours. A predominance of one type of use or business will discourage the diversity that has made these corridors successful. It is also critical that the types of businesses and manners in which they are operated be respectful to the nearby residential neighborhoods.

Over the past five years, the number of stand-alone establishments serving beer, wine or alcohol after midnight for on-premises consumption on the King, East Bay and Market corridors has greatly expanded. This expansion has improved the tax base and accommodated the creation of a vibrant night life. By the same token, this expansion has caused an increase in noise during and beyond hours of operation, an increase in litter and other debris along the sidewalks, an increase in the number of police officers required to maintain the peace, good order and quality of life for nearby residents, and significantly, threatens to dominate the identity of the corridors as simply places to party. The continued unbridled proliferation or concentration of this use along the King, East Bay and Market corridors will change the ambiance of these corridors, diminish their diversity and vibrancy and stifle their use during day time hours, results that are detrimental to the interests and welfare of the public and results which can be mitigated, if not avoided, with proper time for evaluation and study.

City Council deems it necessary and proper, in order to sustain the peace, good order and success of the peninsula as a desirable place to live, work and visit, and in furtherance of the powers of home rule devolved upon it by S. C. Code Ann. §5-7-10 *et seq* and the land use, planning and zoning authority devolved upon it by S. C. Code Ann. § 6-29-310 *et seq* (South Carolina Local Government Comprehensive Planning Act) to enact a temporary moratorium for twelve (12) months on processing development applications and issuing permits for new stand-alone businesses that intend to allow on-premise consumption of beer, wine or alcohol between the hours of midnight and 6:00 a.m. that are located within the shaded areas delineated on the map entitled "Late Night Bar Moratorium Area", attached.

Sec. 54-971. Temporary Moratorium.

A temporary moratorium of twelve (12) months is hereby imposed on the processing of development applications and issuing permits for new businesses that intend to allow on-premise consumption of beer, wine or alcohol between the hours of midnight and 6 a.m. that are located within the shaded areas delineated on the map entitled "Late Night Bar Moratorium Area", attached hereto and made a part hereof.

Sec. 54-972. Purpose, Study and Interim Reports.

The purpose of the temporary moratorium is to allow the Department of Planning, Preservation and Sustainability, in consultation with other City departments and businesses and community stakeholders, sufficient time to study the areas subject to the moratorium, to include existing uses, uses known to be coming on line, development and demographic trends and such other data and information as it deems appropriate to enable it to formulate for City Council consideration recommendations regarding the reasonable regulation of businesses allowing on-premise consumption of beer, wine and alcohol between the hours of midnight and 6 a.m.

During the temporary moratorium, the Department of Planning, Preservation and Sustainability shall report to City Council every six months on the status of the study.

Sec. 54-972. Exemptions.

The temporary moratorium shall not apply to establishments in the study area that are permitted by law to allow on-premise consumption of beer, wine or alcohol between the hours of midnight and 6 a.m. and that are open for business as of the date of ratification of this ordinance, to the expansion or modification of any such establishments if such extension or modification otherwise complies with the provisions of the zoning ordinance without the necessity of a variance or to any replacement establishment at the locations of such establishments. The temporary moratorium shall not apply to any location in the study area that, within three (3) years of the ratification of this ordinance, housed a duly and legally licensed business that allowed on-premise consumption of beer, wine or alcohol between the hours of midnight and six a.m. The temporary moratorium shall not apply to establishments that are now or hereafter housed within a place of accommodations that has twenty or more rooms. The temporary moratorium shall not apply to development plans or permit applications for establishments intending to allow on-premise consumption of beer, wine or alcohol between the hours of midnight and six a.m. on file with the Department of Planning, Preservation and Sustainability that are vested under statutory or common law.



Sec. 54-973.                      Expiration.

The provisions of this Part 6 shall expire on \_\_\_\_\_, 20\_\_."

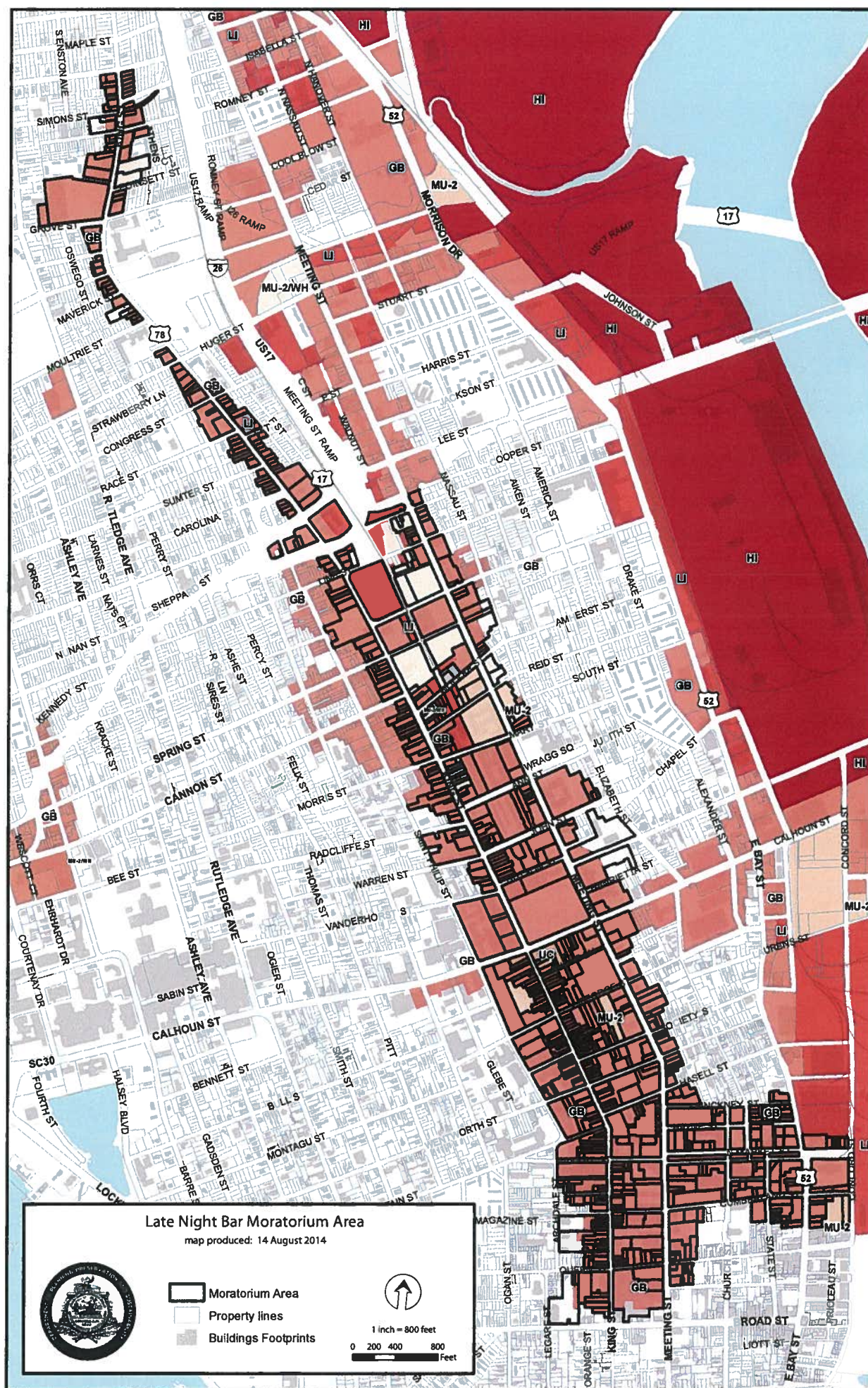
Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this \_\_\_\_\_ day of  
\_\_\_\_\_ in the Year of Our Lord, 2014,  
and in the \_\_\_\_\_<sup>th</sup> Year of the Independence of  
the United States of America

\_\_\_\_\_  
Joseph P. Riley, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Clerk of Council





Ratification  
Number \_\_\_\_\_

## AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY ADDING TO SEC. 54-228 A NEW PROVISION TO ALLOW BUILDING HEIGHTS OF UP TO 85 FEET IN THE TECH CORRIDOR OVERLAY (TC) ZONE AND BY AMENDING SEC. 54-305 (b) TO PROVIDE THAT HEIGHTS OF BUILDINGS ON PROPERTIES LOCATED IN THE TECH CORRIDOR OVERLAY (TC) ZONE AND THE OLD CITY HEIGHT DISTRICT ARE GOVERNED BY THE PROVISIONS OF SEC. 54-228 (d).

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting the following new subsection (d) to Sec. 54-228, said subsection to read as follows:

“d. Building Height. In any Tech Corridor overlay zoning district, no part of a building or structure, including elevator penthouses and mechanical penthouses, shall exceed the height of eighty-five (85) feet, nor shall the principal structure be lower than thirty (30) feet.”

Section 2. Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by adding at the end of Sec. 54 - 305 (b) thereof the following:

“Notwithstanding anything herein to the contrary, heights of buildings and structures on properties located in the Tech Corridor (TC) overlay zone and the Old City Height District shall be governed by the provisions of Sec. 54-228 (d).

Section 3. This Ordinance shall become effective upon ratification.

Ratified in City Council this \_\_\_\_\_ day of  
\_\_\_\_\_ in the Year of Our Lord, 2014,  
and in the \_\_\_\_\_<sup>th</sup> Year of the Independence of  
the United States of America

\_\_\_\_\_  
Joseph P. Riley, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Clerk of Council





Ratification  
Number \_\_\_\_\_

# AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) TO ADD A DEFINITION OF "PENINSULA" TO SECTION 54-120 AND AMEND OFF-STREET PARKING REQUIREMENTS IN SECTION 54-317 TO EXTEND PARKING REQUIREMENTS THAT CURRENTLY ONLY APPLY TO THE PENINSULA BELOW MOUNT PLEASANT STREET TO ALL AREAS OF THE PENINSULA

BE IT ORDAINED BY THE MAYOR AND COUNCIL MEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Section 54-120 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting, in alphabetical order, the following new definition:

**"Peninsula.** Means the area of the City of Charleston bounded by the Cooper River to the east, the Ashley River to the west and south, and the Charleston City Limits to the north, unless otherwise defined within this Chapter."

Section 2. Section 54-317 Required number of off-street parking spaces by land use, of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting the following sentence at the end of subsection "a.":

"For the purposes of this Section, "peninsula" shall mean the area of the City of Charleston bounded by the Cooper River to the east, the Ashley River to the west and south, and the Charleston City Limits to the north."

Section 3. Table 3.3 Off-street Parking Requirements, in Section 54-317 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by deleting the wording "other than peninsula below Mount Pleasant Street" in its entirety in the row listing parking requirements for "church, synagogue, place of worship" and substituting in its place and stead the following:

"other than on the peninsula"

Section 4. Table 3.3 Off-street Parking Requirements, in Section 54-317 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by deleting the wording "peninsula below Mount Pleasant Street" in its entirety and substituting in its place and stead the following:

"on the peninsula"

Section 5. This Ordinance shall become effective upon ratification.

Ratified in City Council this \_\_\_\_ day of  
\_\_\_\_\_ in the Year of Our Lord  
2014, in the \_\_\_\_ Year of Independence of the  
United States of America.

By: \_\_\_\_\_  
Joseph P. Riley, Jr.  
Mayor, City of Charleston

Attest: \_\_\_\_\_  
Vanessa Turner-Maybank  
Clerk of Council



EC  
Ratification  
Number \_\_\_\_\_

# AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PROPERTY ON CLEMENTS FERRY ROAD (CAINHOY) (63.41 ACRES) (TMS #275-00-00-007) (COUNCIL DISTRICT 1), BE REZONED FROM CONSERVATION (C) CLASSIFICATION TO RURAL RESIDENTIAL (RR-1) CLASSIFICATION.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so as to rezone the property described in Section 2 hereof by changing the zoning designation from Conservation (C) classification to Rural Residential (RR-1) classification.

Section 2. The property to be rezoned is described as follows:  
Clements Ferry Road (Cainhoy) (63.41 acres) (TMS #275-00-00-007)

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this \_\_\_\_\_ day of \_\_\_\_\_  
in the Year of Our Lord 2014,  
in the 239<sup>th</sup> Year of Independence of the United States  
of America.

By:

\_\_\_\_\_  
Joseph P. Riley, Jr.  
Mayor, City of Charleston

Attest:

\_\_\_\_\_  
Vanessa Turner-Maybank  
Clerk of Council

## Rezoning 1

Clements Ferry Rd (Cainhoy)

TMS# 2750000007

63.41 ac.

Request rezoning from Conservation (C)  
to Rural Residential (RR-1).

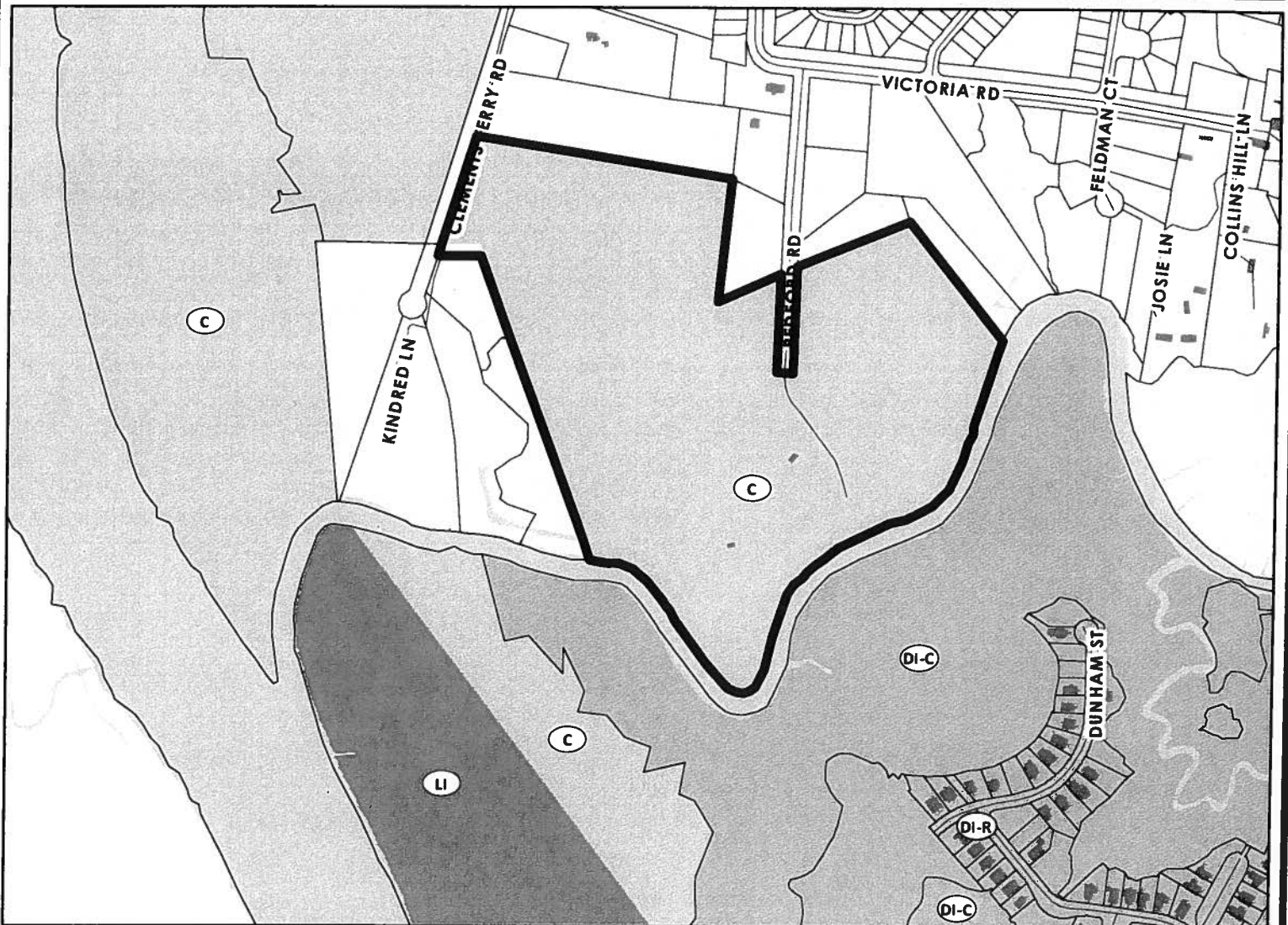
Owner: Thornhill Family LLC et al.

Applicant: George B. Smythe

Area



Location







Ratification  
Number \_\_\_\_\_

# AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1901 SAVANNAH HWY AND 1838 AND 1844 PEBBLE RD (WEST ASHLEY) (1.91 ACRES) (TMS #350-05-00-072, 089 AND 090) (COUNCIL DISTRICT 11), BE ZONED GENERAL BUSINESS (GB) CLASSIFICATION.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so that the below described property shall become a part thereof:

1901 Savannah Hwy and 1838 and 1844 Pebble Rd (West Ashley) (1.91 acres) (TMS #350-05-00-072, 089 and 090)

Section 2. That the said parcel of land described above shall be zoned General Business (GB) classification.

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this \_\_\_\_\_ day of \_\_\_\_\_  
in the Year of Our Lord,  
2014, in the 239<sup>th</sup> Year of Independence of the  
United States of America.

By:

\_\_\_\_\_  
Joseph P. Riley, Jr.  
Mayor, City of Charleston

Attest:

\_\_\_\_\_  
Vanessa Turner-Maybank  
Clerk of Council

## Zoning

1901 Savannah Hwy &  
1838 & 1844 Pebble Rd  
(West Ashley)

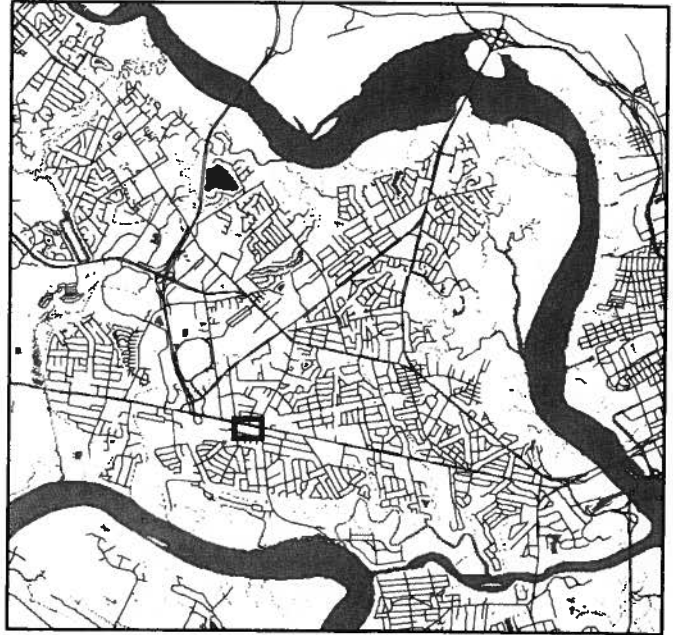
TMS# 3500500072, 089 & 090

1.91 ac.

Request zoning of General Business (GB).  
Zoned Community Commercial (CC)  
in Charleston County.

Owner: Burky Exchange Accommodations

Area



Location





Ratification  
Number \_\_\_\_\_

# AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1852 GREENMORE DRIVE (WEST ASHLEY) (0.33 ACRE) (TMS #351-03-00-053) (COUNCIL DISTRICT 7), ANNEXED INTO THE CITY OF CHARLESTON AUGUST 19, 2014 (#2014-111), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so that the below described property shall become a part thereof.

1852 Greenmore Drive (West Ashley) (0.33 acre) (TMS #351-03-00-053)

Section 2. That the said parcel of land described above shall be zoned Single-Family Residential (SR-1) classification.

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this \_\_\_\_\_ day of  
\_\_\_\_\_ in the Year of Our Lord,  
2014, in the 239<sup>th</sup> Year of Independence of the  
United States of America.

By:

\_\_\_\_\_  
Joseph P. Riley, Jr.  
Mayor, City of Charleston

Attest:

\_\_\_\_\_  
Vanessa Turner-Maybank  
Clerk of Council

## Zoning 2

1852 Greenmore Dr (West Ashley)

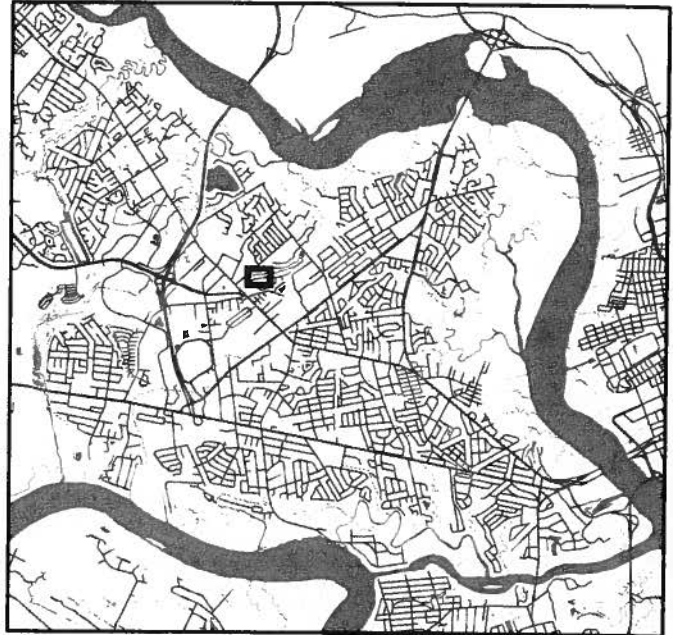
TMS# 3510300053

0.33 ac.

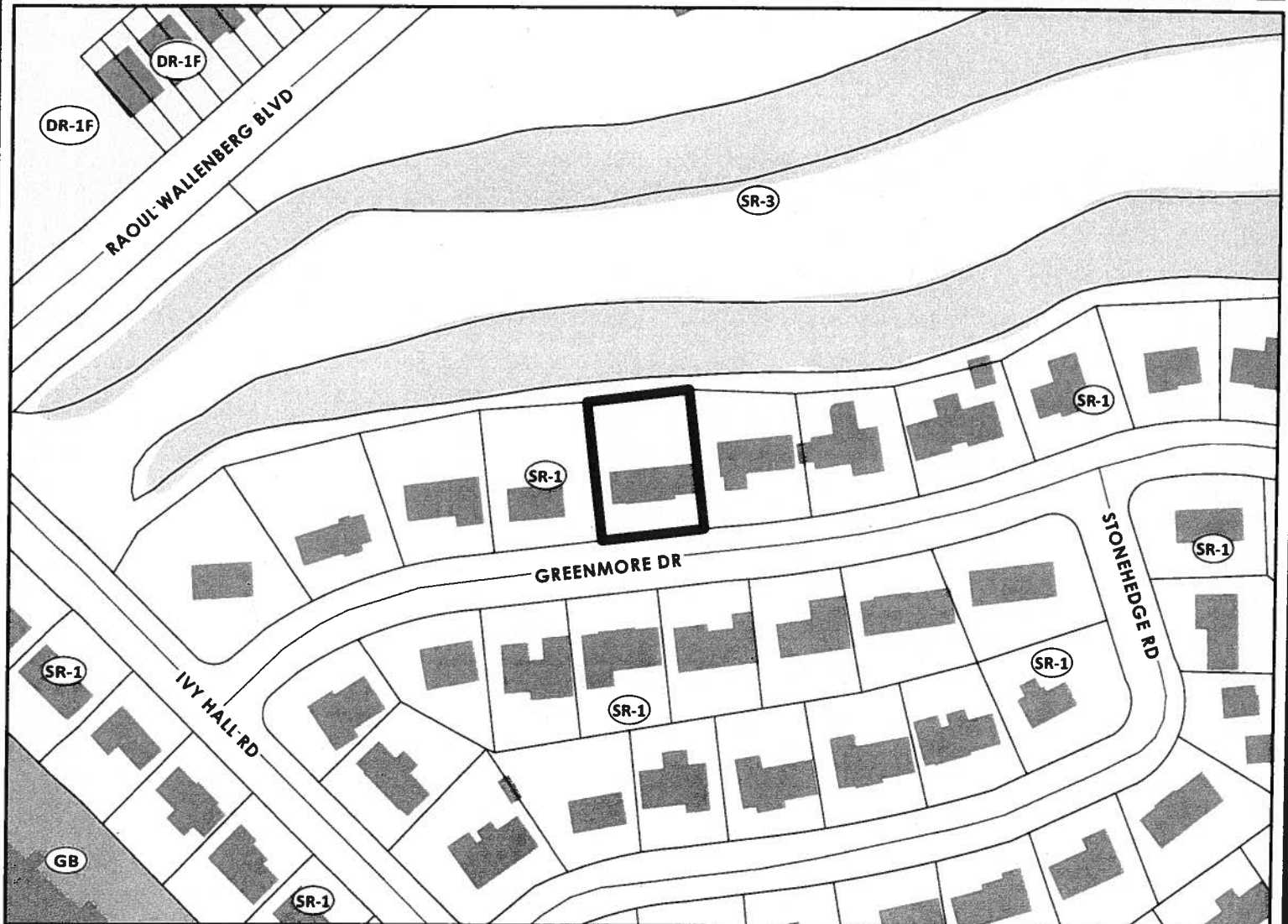
Request zoning of Single Family Residential (SR-1).  
Zoned Community Commercial (CC) in Charleston County.

Owner: Thomas & Gwendell Murray

Area



Location



E9



Ratification  
Number \_\_\_\_\_

# AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1770 SOUTHWICK DRIVE (JOHNS ISLAND) (0.40 ACRE) (TMS #279-00-00-022) (COUNCIL DISTRICT 5), ANNEXED INTO THE CITY OF CHARLESTON AUGUST 19, 2014 (#2014-112), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so that the below described property shall become a part thereof:

1770 Southwick Drive (Johns Island) (0.40 acre) (TMS #279-00-00-022)

Section 2. That the said parcel of land described above shall be zoned Single-Family Residential (SR-1) classification.

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this \_\_\_\_\_ day of \_\_\_\_\_  
in the Year of Our Lord,  
2014, in the 239<sup>th</sup> Year of Independence of the  
United States of America.

By:

\_\_\_\_\_  
Joseph P. Riley, Jr.  
Mayor, City of Charleston

Attest:

\_\_\_\_\_  
Vanessa Turner-Maybank  
Clerk of Council

**Zoning 3**

**1770 Southwick Dr (Johns Island)**

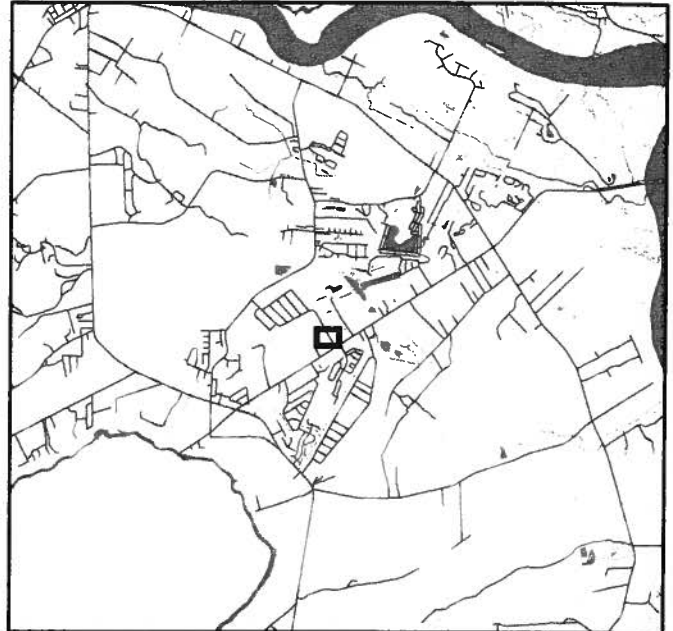
**TMS# 2790000022**

**0.40 ac.**

**Request zoning of Single Family Residential (SR-1).  
Zoned Single Family Residential (R-4) in Charleston County.**

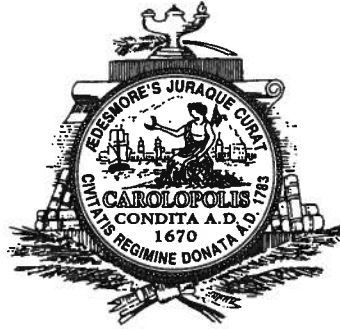
**Owner: Rebecca Olsen**

Area



Location





Ratification  
Number \_\_\_\_\_

# AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 528 (A-C) SAVANNAH HIGHWAY AND 530 (A-D) SAVANNAH HIGHWAY (WEST ASHLEY) (0.48 ACRE) (TMS #421-03-00-165 AND 166) (COUNCIL DISTRICT 11), BE ZONED SINGLE-FAMILY RESIDENTIAL AND SAVANNAH HIGHWAY OVERLAY ZONE (SR-1 AND SH) CLASSIFICATIONS.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so that the below described property shall become a part thereof.

528 (A-C) Savannah Highway and 530 (A-D) Savannah Highway (West Ashley) (0.48 acre) (TMS #421-03-00-165 and 166)

Section 2. That the said parcels of land described above shall be zoned Single-Family Residential and Savannah Highway Overlay Zone (SR-1 and SH) classifications.

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this \_\_\_\_\_ day of  
\_\_\_\_\_ in the Year of Our Lord,  
2014, in the 239<sup>th</sup> Year of Independence of the  
United States of America.

By:

\_\_\_\_\_  
Joseph P. Riley, Jr.  
Mayor, City of Charleston

Attest:

\_\_\_\_\_  
Vanessa Turner Maybank  
Clerk of Council



## Zoning

528 (A-C) & 530 (A-D) Savannah Hwy (West Ashley)

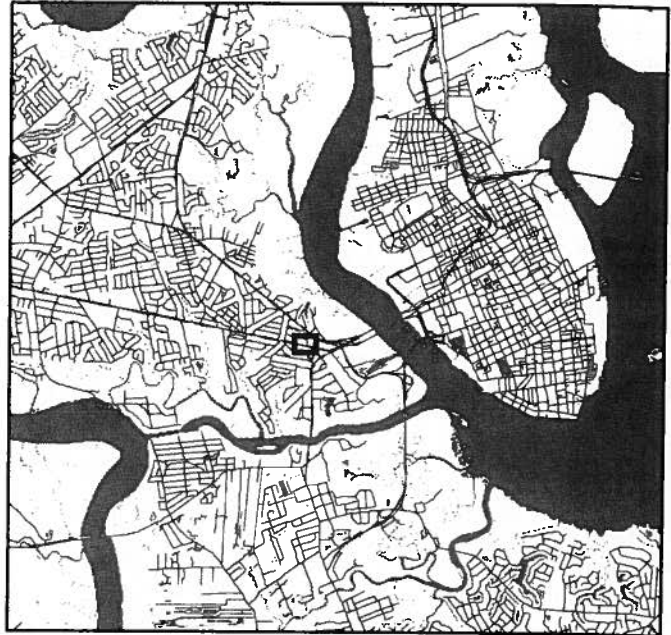
TMS# 4210300165 & 166

0.48 ac.

Request zoning of Single Family Residential (SR-1) and  
Savannah Highway Overlay (SH).  
Zoned Single-Family Residential (R-4) in Charleston County.

Owner: Daniel Ravenel and Linda Ravenel

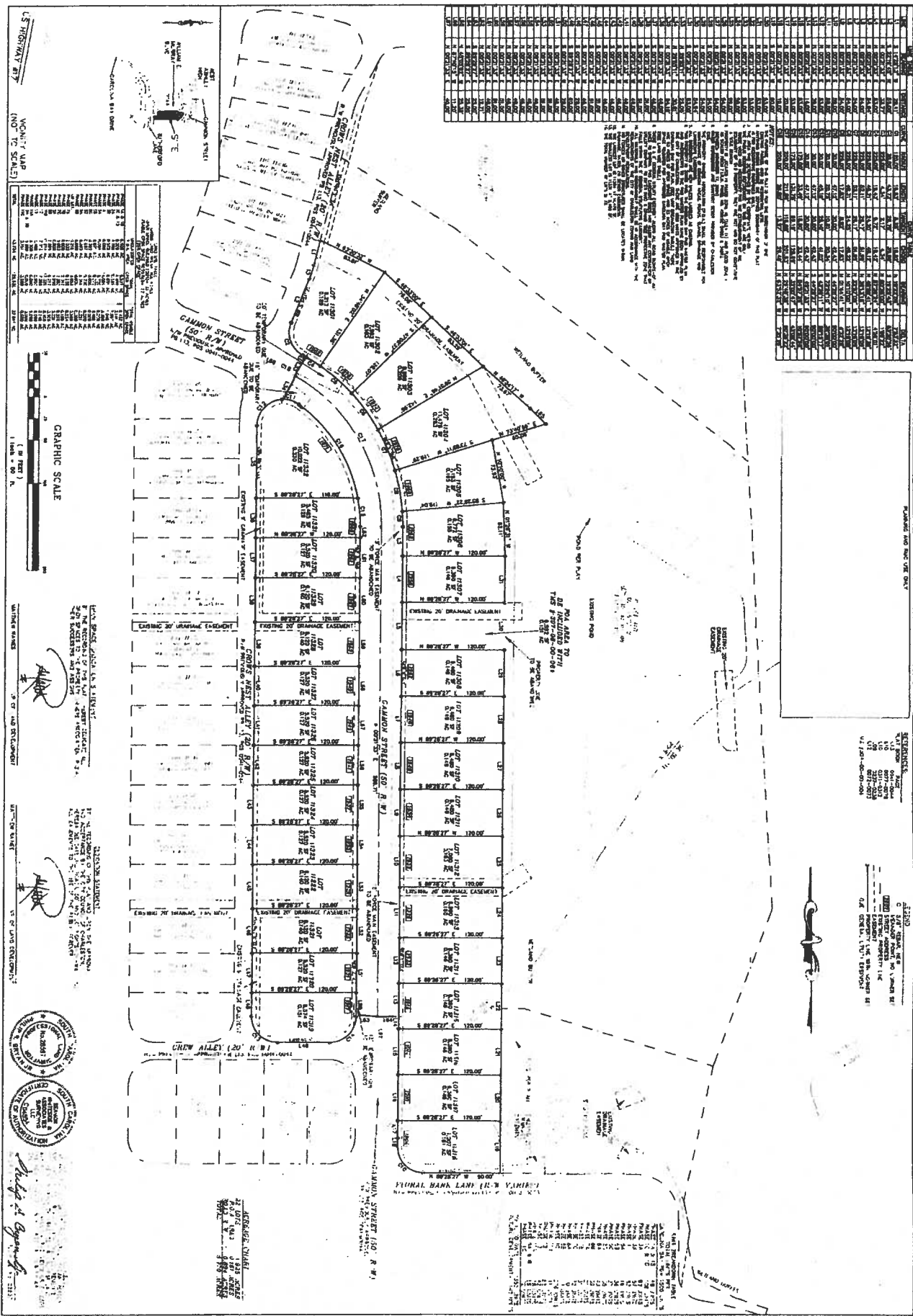
Area



Location







LOT	AREA	LOT	AREA	LOT	AREA	LOT	AREA	LOT	AREA
1	1,200.00	11	1,200.00	21	1,200.00	31	1,200.00	41	1,200.00
2	1,200.00	12	1,200.00	22	1,200.00	32	1,200.00	42	1,200.00
3	1,200.00	13	1,200.00	23	1,200.00	33	1,200.00	43	1,200.00
4	1,200.00	14	1,200.00	24	1,200.00	34	1,200.00	44	1,200.00
5	1,200.00	15	1,200.00	25	1,200.00	35	1,200.00	45	1,200.00
6	1,200.00	16	1,200.00	26	1,200.00	36	1,200.00	46	1,200.00
7	1,200.00	17	1,200.00	27	1,200.00	37	1,200.00	47	1,200.00
8	1,200.00	18	1,200.00	28	1,200.00	38	1,200.00	48	1,200.00
9	1,200.00	19	1,200.00	29	1,200.00	39	1,200.00	49	1,200.00
10	1,200.00	20	1,200.00	30	1,200.00	40	1,200.00	50	1,200.00

**A SUBDIVISION PLAT OF**  
**CAROLINA BAY PHASE 11C**  
BEING A PORTION OF AREA 4C RESUBDIVISION  
OWNED BY CENTEX HOMES  
LOCATED IN THE CITY OF CHARLESTON  
CHARLESTON COUNTY, SOUTH CAROLINA

**1035-B Jenkins Road**  
**Charleston, SC 29407**  
**(843) 795-9330**

**SWA**  
**surveying**  
**LLC**

NO.	DATE	DESCRIPTION	BY

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )  
CITY OF CHARLESTON )

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, that Centex Homes, a Nevada general partnership ("Grantor") in the state aforesaid, for and in consideration of the sum of ONE AND 00/100 DOLLAR (\$1.00), being the true consideration to it in hand paid at and before the sealing of these presents by the CITY OF CHARLESTON, the receipt whereof is hereby acknowledged, has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto the said CITY OF CHARLESTON ("Grantee"), its successors and assigns, forever, the following described property which is granted, bargained, sold and released for the use of the public forever:

All the of the property underneath, above, and containing those certain streets, roads, drives, and cul-de-sacs situate, lying and being in the City of Charleston, County of CHARLESTON, State of South Carolina, located in Carolina Bay, Phase 11C as shown and designated on a plat entitled "A SUBDIVISION PLAT OF CAROLINA BAY PHASE 11C, BEING A PORTION OF AREA 4C RESIDUAL, OWNED BY CENTEX HOMES, LOCATED IN THE CITY" prepared by SWA Surveying, LLC, dated July 15, 2014, revised N/A, and recorded in Plat Book \_\_\_\_\_ at Page \_\_\_\_\_ in the RMC Office for CHARLESTON County. Said property butting and bounding, measuring and containing, and having such courses and distances as are shown on said plat. Reference being had to the aforesaid plat for a full and complete description, being all of the said dimensions, a little more or a little less. \*OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA"

This being a portion of the property conveyed to Grantor herein by deed of the Kiawah Raccoon Run, LLC dated May 31, 2011 and recorded June 6, 2011 in Book 190 at Page 810 in the RMC Office for CHARLESTON County, South Carolina.

Grantee's Mailing Address:

City of Charleston  
Department of Public Service  
Engineering Division  
75 Calhoun Street  
Third Floor  
Charleston, South Carolina 29401

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the CITY OF CHARLESTON, its successors and assigns forever.

AND we do hereby bind ourselves and our heirs, executors and administrators, to warrant and forever defend, all and singular, the said premises unto the said City of Charleston, heirs and assigns, against us and our heirs, and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

WITNESS our Hand(s) and Seal(s) this 27 day of August 2014.

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

Kellie D. Tillman  
Witness Number One

Kellie D. Tillman  
Printed Name

[Signature]  
Witness Number Two

EDWIN C. ACKERMAN  
Printed Name

Grantor : CENTEX HOMES, a Nevada  
general partnership

By: Centex Real Estate Corporation,  
a Nevada corporation, Its: Managing  
General Partner

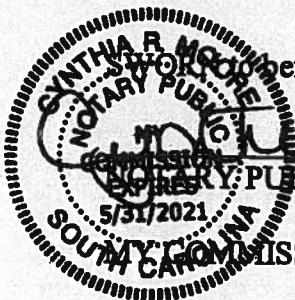
By: [Signature]  
Printed Name: Matthew Raines  
Division Vice President

\*\*\*\*

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

PERSONALLY APPEARED before me the undersigned witness and made oath that (s)he saw the within named CENTEX HOMES, a Nevada general partnership, by its duly authorized officer Matthew Raines, Division Vice President, sign, seal and as its act and deed, deliver the within written Deed, and that (s)he with the other witness witnessed the execution thereof.

Kellie D. Tillman



before me this 27 day of August, 2014

[Signature]  
NOTARY PUBLIC FOR SOUTH CAROLINA

COMMISSION EXPIRES: 5/30/2021



Ratification  
Number \_\_\_\_\_

# AN ORDINANCE

TO AMEND CHAPTER 19, SECTION 123 OF THE CODE OF THE CITY OF CHARLESTON TO EXTEND THE EXISTING BOUNDARIES OF THE KING STREET BICYCLE RACK PARKING PROGRAM FROM CALHOUN STREET TO SPRING STREET, TO THE SECTION OF KING STREET FROM SPRING STREET TO MARKET STREET.

Be it ordained by the Mayor and Councilmembers in City Council Assembled:

**Section 1.** Chapter 19, Section 123 of the Code of the City of Charleston is hereby amended by adding the following underlined text and striking the struck through text, which shall read as follows:

“Sec. 19-123. Manner of parking.

(a) Findings:

1. The parking of human powered, pedal cycles (“Bicycles”) by securing or otherwise locking them onto street trees, street lights, stop signs and other legal encroachments in the public right-of-ways can cause safety hazards to pedestrians and motorists using the public-right-of-ways; and
2. The parking of Bicycles by securing or otherwise locking them onto street trees, street lights, stop signs and other legal encroachments in the public right-of-ways can block or greatly impair the means of ingress and egress to public and private property; and
3. The parking of Bicycles by securing or otherwise locking them onto street trees, street lights, stop signs and other legal encroachments in the public right-of-ways can cause a disorderly appearance that diminishes the aesthetics of the surrounding area; and
4. The City supports and encourages the use of bicycle racks as a safe and secure manner of bicycle parking and to this end is working diligently to install bicycle racks on public property to provide adequate space for bicycle parking in known areas of heavy bicycle traffic; ~~and~~.

(b) Parking Prohibited:

1. Bicycles shall not be secured or otherwise locked to street trees, street lights, stop signs, parking meters, boat docks, legal encroachments, or

public property located in the public right-of-way of King Street between Spring Street and Market Street.

2. Bicycles shall not be secured or otherwise locked or placed on private property in a manner where any portion of the bike intrudes into the public right-of-way on King Street between Spring Street and Market Street.
3. City police or parking enforcement officers on Bicycles ("Enforcement Officer") shall be exempt from the above-described restrictions when in the course and scope of their duties they determine in good faith that parking their bicycle in such a manner is necessary to perform their official duties.

(c) Penalties:

1. Owners or operators of Bicycles parked in violation of Paragraph (b) shall be subject to the following infractions:
  - ii. A Police, Code Enforcement or Parking Enforcement Officer may confiscate the Bicycle by removal to their headquarters or Brigade Street property or by adding a City lock to the illegally parked Bicycle.
    - (A) A confiscated Bicycle shall be released upon proof of ownership and the payment of a \$45 fee for removal and storage.
    - (B) Bicycles remaining in the City's custody without identification of ownership and the payment of the fee as set forth above after a period of 30 days, shall be deemed to be abandoned and shall be disposed of in accordance with the law.

(d) The City shall bear no responsibility to a Bicycle owner or operator for loss of or damage to a confiscated Bicycle, including any chain or locking mechanism, in its enforcement of this section."

**Section 4.** This Ordinance shall become effective November 1, 2014.

Ratified in City Council this \_\_\_\_\_ day of \_\_\_\_\_ in the Year of Our Lord, 2014, in the 239th Year of Independence of the United States of America.

\_\_\_\_\_  
Joseph P. Riley, Jr., Mayor

(ATTEST)

\_\_\_\_\_  
Vanessa Turner-Maybank  
Clerk of Council





52c  
Ratification  
Number \_\_\_\_\_

# AN ORDINANCE

TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 19, SECTION 139 TO PROHIBIT MOPED PARKING AT BICYCLE RACKS CONSISTENT WITH STATE LAW.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS IN CITY COUNCIL ASSEMBLED:

**Section 1.** Chapter 19, Section 139, of the Code of the City of Charleston is hereby amended by adding thereto the following underlined language, which shall read as follows:

"Sec. 19-139. Limitations as to operating, speed, riding position, and number of riders.

(f) No person shall park a moped, powered scooter, or motorized bike at a bicycle rack, bicycle stand, or any other designated bicycle parking area."

**Section 2.** This Ordinance shall become effective 30 days after ratification.

Ratified in City Council this \_\_\_\_\_ day of \_\_\_\_\_ in the Year of Our Lord, 2014, in the 239<sup>th</sup> Year of Independence of the United States of America.

By: \_\_\_\_\_

Joseph P. Riley, Jr.

Mayor, City of Charleston

ATTEST:

\_\_\_\_\_  
Vanessa Turner-Maybank

Clerk of Council